AN EXPOSITION OF. CERTAINE difficult and obſcure words, and Termes of *the Lawes of this* Realme.

Newly amended and augmented, both in French and Engliſh, for the helpe *of ſuch young Students as are* deſirous to attaine to *the knowledge of* the ſame.

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FINIS.

1 Abatement of a Writ or Plaint.

A Batemẽt of a Writ or Plaint, is when an actiõ is brought by writ or plaint, wherein is lacke of ſufficient & good matter, or els ꝑ matter alleged is not certainely ſet downe, or if the plaintife or defendant, or place, are miſnamed, or if there appeare variance betweene the writ & the ſpecialtie, or record, or that the writ or the declaration be vncertaine, or for death of the plaintife or defendãt, and for diuers other like cauſes, then vpon thoſe defaults, the defendant may pray that the writ or plaint may abate, that is to ſay, that the plaintifes ſuit againſt him may ceaſe for that time, and that hee ſhall begin againe his ſuit, and bring a new writ or plaint, if hee bee ſo diſpoſed to doe. But if the defendaunt in any action pleade a matter in barre, for to annull the

Abatement de briefe ou Plaint.

A Batemẽt de briefe ou plaint, eſt quant vn action eſt port per brief ou plaint, en que fault ſufficient & bone matter, ou autrement le matter alleage neſt certeinment alleage, ou ſi le plaintife ou defendaunt, ou lieu, ſont miſnoſme, ou ſi la appeare variance perenter le briefe & le ſpecialtie, ou recorde, ou que le briefe ou declaration ſont vncerteine, ou pur mort del plaintife ou defendant, & pur diuers autres ſemblable cauſes, donques ſur ceux defaults, le defendant poit prie que le briefe ou plaint abatera, ceſt adire, que le ſuit del plaintife enuers luy ceſſera pur ceſt temps, & que il commencera auter temps ſon ſuit, & port vn nouel briefe ou plaint, ſil ſoit iſſint diſpoſe a faire. Mes ſi le defen aſcun action pled vn matter en barre pur adnuller de

action

action a touts iours, il ne viendra apres a pled' in abatement de briefe, mes ſi a͛ps il appiert in le Record q̄ eſt aſcun matt̄ apparant pur que le bꝛ̄ doit eſtre abat̄, donq; le def. ou aſcun aut pſon, vt amicus curiæ poit bꝛ̄ plede & mꝛ̄ ceo in arreſt de iudgemt̄

action for euer, he ſhal not come afterwards to plede in abatement of the writ, but if after it appere in ꝑ record, that there is ſome matter apparant, for the which ꝑ writ ought to be abated, thē the def. or any pſon as a friend to ꝑ court may wel plede & ſhew thē in arreſt of iudgement.

Vies les titles de briefe, Miſnoſm̄, & variance en les abridgements, & le liuer appel le Digeſts del brieſes, in quel eſt fort bꝛ̄ entreat eſpecialment de ceux matters.

See the titles of writ, Miſnoſmer and Variāce in the Abridgements, and the booke called ꝑ Digeſts of writs, in which it is very well entreated, eſpecially of theſe matters.

Cauſes de Abatemēt de briefe ou pleint.
- Fault de { ſufficient ou bone } matter
- Le matter eſt certeinment alledge.
- plaintiffe, defendant ou lieu { Miſnoſme
- variance enter { Briefe, Specialtie ou Record
- vncerteintie del { Briefe, Count ou declaration
- Mort { Plaintife ou defendant

a Abatement en terres:

ABatement en terres ou teſts eſt quant vn hõe

Abatement in lands.

ABatement in landes or tenemēts is whē a mā dieth

dieth seised of lands or tenements, & one y hath no right entreth into y same lands or tenemẽts before y heire maketh his entrie this entrie of him is called an abatement, & he an Abator. But if the heire enter first after the death of his ancestor, & the other enter vpon the possessiõ of the heir, this entry of him is a disseisin to the heire. Looke in y booke of entries fol. 63. c. & 205. d. & 519. e. where this word Abatement is called in latin, Intrusio. And I think it better to call it in latin Interpositio, or Intratio per. interpositionem, to make a difference betweene this word & intrusion after the death of the tenãt for life.

3 Abbot

ABbot was y soueraign head, or chiefe of those houses, which when they first were called Abbeys and this Abbot together with the monks of y same house, who were called the couẽt made a corporation: such a soueraign of any such house shall not be charged by fact of his predecessor,

moust seisie de terres ou tenẽtes, & vn que nad droit entra en meimes les terres ou tenements, deuant que le heire fait son entrie, ceest entrie de luy est appell vn abatement, & il vn abator. Mes si le heire enter primes apres le mort de son ancestor, & le auter enter sur le possession del heire, ceest entre de luy est vn disseisin al heire. Vide liuer dentries fol. 36. c & 205. d. & 519. e. lou ceest abatement est appel en latin *Intrusio*. Et ieo entende destre melius de appeller ceo in latin *Interpositio, ou Intratio per interpositionem*, de faire differẽce enter ceo & Intrusion puis mort tenãt pur vie.

Abbe

ABbe suit le Soueraigne teste ou principall de ceux measõs queux quant ils fuer, fueront appel Abbeys, & cẽ abbe ensemble oue les Moygnes de mẽ le meason, qux fuer appel le couent, fier vn corpor, & tiel soueraigne de alcun tiel measõ ne serr charge p acte de son predecessor,

fil ne ſoit per cõmon ſeale, ou pur tiel choſe que vient al vſe de ſon meaſon Auxi vn Abbe ne ſerra charge pur le det en que ſon cõmoigne fuit en det deuant ſon entr̃ en religion, meſq; le creditor ad de ceo vn eſpecialtie, ſinon que il auoit deuenus al vſe de ſon meaſon: Mes les executors del commoigne ſerra charge ouc ceo.

Vide pur ceo en le Abridgements meſme title, de ſouth quel veies comẽt aſcuns de ceux fuerõt electiue, aſcun preſẽtatiue, Et coment fueront perfect, & lour auctoritie. Et en cel title ſont auxy comprehẽd touts auters Corporations ſpirituall, come Prior & ſon Couent, Frieres & Canons, Deane & Chapter.

4 Abbetors.

ABbettors ſont en diuers caſes diuerſemẽt priſe: vn kind de abbettors ſont ceux q̃ maliciouſmẽt ſans droituſ cauſe ou deſert, procuſ auters de ſuer faux appeales de murder ou felonie enuers homes al entent de troubler & greuer

if it be not by cõmon ſeal, or for ſuch things which commeth to the vſe of his houſe. Alſo an Abbot ſhal not be charged for the det of his Monke before hys entre in religion, though the creditor haue an eſpecialtie thereof, except that it haue come to the vſe of his houſe: But the executors of the Monke ſhal be charged therewith.

Looke for this in the Abridgements the ſame title, vnder which you ſhall ſee that ſome of them were electiue, ſome preſẽtatiue. And how they weremade gouernors, and their authoritie. And in this title are alſo comprehended all other Corporations ſpiritual, as Prior & his Conent, Friers & Canons, Deane and Chapter.

Abbettors.

ABbettors are in diuers caſes diuerſly taken: one kind of abbettors are they that maliciouſly with out iuſt cauſe or deſert do procure other to ſue falſe appeals of murther or felonie againſt men, to the intent to trouble & greene them,

them, and to bring them to infamy & slaunder. Abbettors in murders are those that command, procure, counsell, or comfort others to murder. And in some case such abbettors shall bee taken as principals, & in some case but as accessories: So in other felonies. And their presence at the dēde doing, & their absēce maketh a difference in the case. There are abbettors also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the booke called the Plees of the Crown, made by the right worshipfull Judge Sir W Stamford, in the titles of Accessories, & Dammages in appeal.

eux, & pur faire eux en infamy & slaunder. Abbettors en murder sont ceux que commaund, procure, counsell, ou comfort auters de murder. Et en ascū case tiel abbettors serront prises come principals, & en ascun case forsq; come accessories: Issint en auter felonies Et lour presence a le chose fait, & lour absēce de la fait vn difference en le case. Il y ad abbett̄ auxi en Treason, mes ils sont ē cas come principals, car en treason il ny ad ascun accessories.

Veies pluis de ceo en le lieur appelle les Plees del Crowne, compile per le tresreuerend Iudge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

5 Abeiance.

ABeiance is whē a leas is made for term of life, the remainder to ye right heires of I. S. which I. S. is liuing at ye time of ye grant, now by this grāt the remainder passeth frō the grauntour presently, yet it vesteth not present-

Abeiance.

ABeiance est quant vn leas est fait pur terme de vie, le remainder al droit heires de I.S, le quel I.S. est en vie al temps del grant, Ore per cest graunt le remainder passa hors del grauntor maintenant, vncore il ne vesta maintenant,

tenant, ne prist effect en le graũtee, cest adire le droit heire de I. S. mes est dit deste en abeiãce, ou come les Logiciens appelle ceo in potentia, ou in intellectu, & come nous diomus in nubibus, cestassauoir, en le consideration de le ley, Que si I. S. morust eyant vn droit heire en vie, & viuant le lessee pur vie, donques ceo est vn bone remainder, & a ore veste & vient en le dit droit heire, en tiel sort que il poit graunt, forfait, ou auterment dispose ceo, & cessa deste ore en abeyance, pur ceo que il est vn a ore de abilitie pur prender ceo, pur c' que I S. est mort & ad reliquishe vn droit heire en vie, le quel ne poit estre viuãt I. S. car durãt son vie nul poit properment este dit son heire. Itẽ si vn home soit patron dun esglise, & present auter a ceo, Ore est le fee des terres ou tenements perteignant al rectory en le parson, mes si le parson morust & le esglise est deuenus void, donque est le fee en abeyance, tanque

ly, nor taketh hold in the grauntee, that is to say, ye right heire of I. S. but is said to be in abeyance, or els as the Logicians terme it in power, or in vnderstanding, & as wee say in the cloudes, that is to wit, in the consideration of the law, That if I. S. die hauing a right heir, & liuing the lessee for life, thẽ this is a good remainder, & now vesteth & commeth into the right heire in such sort, as that he may graunt, forfait, or otherwise dispose ye same, & ceaseth to bee any more in abeiance, for that there is one now of abilitie to take it because that I S. is dead, & hath left a right heire in life, which could not be liuing I. S. for ye during his life none could properly be said his heir. Also if a man be Patrõ of a Church, & presẽteth one to ye same. Now is the fee of the lands & tenements perteyning to the rectory in the parsõ, but if ye parson die and the Church is become voide, then is the fee in abeiance, vntill there

there bee a newe Parſon preſented, admitted, and inducted, for the Patron hath not the fee, but onely the right to preſent, and the fee is in the incumbēt that is preſented, & after his death, it is in no body but in abeiance, till there be a newe incumbent as is aforeſaid.

See Lit. his 3. booke c. 11. fol. 145. And Park. fol. 12.

6 Abiſherſing.

A Biſherſing (and in ſome copies Miſherſing (ꝑ is to bee quit of amerciaments before whō ſoeuer of tranſgreſſion ꝓued.

7 Abiuration.

A Biuration is an oth ꝑ a man or woman ſhall take when they haue committed felony, & flie to the Church or churchyard, or to any other place ꝓuiledged for ſauegarde of their liues, choſing rather perpetual baniſhment out of ꝑ realm, then to ſtād to the law & to be tried of the felony, in which caſe before the Cōroner he ſhal make ſuch confeſſiō, which may make a ſufficient indite-

il ſoyt vn nouel Parſon ꝑſent admit & induct, car le Patron nad le fee, mes ſolement le droit de preſenter, & le fee eſt in le incumbent, que eſt preſent, & puis ſon mort, il neſt en aſcun mes en abeiance, tāque il ſoit vn nouel incūbent come eſt auant dit.

Veyes Lit. lib. 3. Cap. 11. fol. 145. & Park. fol. 12.

Abiſherſing.

A Biſherſing, (& in aſcun copies Miſherſing) hoc eſt quietum eſſe de amerciamētis corā quibuſcunq; de tranſgreſſione probata.

Abiuration.

A Biuration eſt vn ſerement, que hōe ou feme preygnount quant ils ont commiſſe felonie, & fue al Eſgliſe ou cemitorie, ou auter lieu priuiledge pur tuitiō de lour vyes eſliſant pluiſtoſt ꝑpetual baniſhment hors de Realme, que a eſtoier a le ley, & deſtre trie del felony. En cel caſe deuant le Coroner il ferra tiel confeſſion que puit faire ſufficient endyte-

ment

ment de felony, donques le Coroner al common ley luy ferra de abiure la Realme, & aſſignera a luy a quel Port il alera, & luy iura que il ne va hors del hault chimin, & que il ne demurra a le port, (ſi il poit auer bone paſſage) forſque vn flood & vn ebbe, & ſi il ne poit auer paſſage, que il alera cheſcun iour duraunt xl. iours en la mere a ſon genu: Mes ſi tiel ſelon que abiure ala hors de la chimin, & fua a auter lieu, ſi il ſoit priſe, il ſerra ameſne deuaunt le Iudge, & la auera iudgement deſtre pendus. Mes ſil que iſſint pria la priuiledge ne voile abiure, donques il auera la priuiledge pur xl. iours, & cheſcun poit luy doner vyand. Mes ſi aſcun done luy vyand apres xl. iours, meſque il ſoit ſa feme, tiel doner eſt felonie. Auxy ceſtuy que abiure ſerra deliuer per vn Conſtable al auter, & de vn franchiſe al auter, tanque il vient a ſon port, & ſi le

ment of felony, then the Coroner at the common law ſhal make him to forſweare the Realm, & ſhall aſſigne him to what Port he ſhall goe, & ſhall ſweare him that he goe not out of the high way, and that he ſhould not abide at the port (if he may haue good paſſage) but one flood & one ebbe, & if hee cannot haue paſſage, then hee ſhall goe euere day during xl. daies in the ſea to the knees: But if ſuch a felon as abiureth go out of the high way, & flieth to an other place, if hee be taken, hee ſhall bee brought before the Iudge, & there ſhal haue iudgmēt to bee hanged. But if hee which ſo prayeth the priuiledge will not abiure, thē he ſhal haue the priuiledge for xl. daies, & euery man may giue him meate and drink. But if any giue him ſuſtenance after xl daies, although it bee his wife, ſuch giuing is felony. Alſo he that doth abiure ſhal be deliuered from one Conſtable to an other, & from one franchiſe to an other, till hee come to his port,

and

and if the Constable will not receiue him, he shalbe grieuously amerced. Looke the oth in the Treatise de Abiuratione Latronum.

And this law was instituted by S. Edward the Confessor, a King of this Realme before the Conquest, and was grounded vpon the law of mercie, & for the loue & reuerence no doubt that hee & other his successours did beare vnto the house of God, or place of prayer and administration of his word & sacraments, which we cal the Church. Note this law is now chaunged by the statutes 21. H. 8. ca. 2. 22. H. 8. ca. 14. and 32. H. 8. cap. 12. by which it appeareth, that hee at this day shall not abiure the Realm, but al his liberties of this realme, and all his liberall and free habitations, resorts, and passages from all places of this Realme, to one certaine place in this realme thereto limitted by 32. H. 8. ca. 13. & 33. H. 8. cap. 15. Looke more in Stamf. lib. 2. cap. 19.

Constable ne voit receiue luy, il serra grieuousment amercie. Vide iuramentum in tractatu de abiuratione Latronum.

Et ceſt ley fuit inſtitute per S. Edward le Confeſſor, vn Roy de ceſt Realme deuant le Conqueſt, & fuit ground de le ley de mercie, & pur le amour & reuerence, ſans doubte, que il & autres ſes ſucceſſors porteront al meaſon de Dieu, ou lieu de praiers & adminiſtration de ſon parol & Sacraments, le quel nous appellomus Eſgliſe. Nota cel ley eſt ore change per Statutes 21. H. 8. cap. 2. 22. H. 8. Cap. 14. & 32. H. 8. cap. 12. per queux appiert, que il a cel iour ne abiurera le Realme, eins tout ſon libertie de ceſt Realme, & tout ſon liberal & franke habitations, reſorts, & paſſages de touts leiux de ceſt Realme, a vn certaine lieu en cel realme a ceo limit per 32. H. 8. cap. 13. & 33. H. 8. cap. 15. Vide plus inde Stamf. lib. 2. Cap. 19.

8 Abridgement de plaint ou demaund.

A Bridgemẽt de plaint ou demand eſt lou vn port vn Aſſiſe, briefe de dower, briefe de gard, ou tiel ſemblables, en queux caſes pur ceo que le briefe de Aſſiſe eſt, de libero tenemento, come en briefe de dower, le briefe eſt Rationabilem dotem quæ eam cõtingit de libero tenement W. ſon baron. Et en vn briefe de gard, le briefe eſt Cuſtod terrarum & hæredis &c. ſans monſtre aſcun auter certaintie en les brieſes ; mes en le pleint del aſſiſe ou demaund en le briefe de dower, & en le count en briefe degard, le plaintife ou demaundant monſtra le certaintie des acres, ou parcels de terre, la ſi le tenant plede Nontenure, oũ lointenancy ou aſcun auter tiel ſemblable plee a parcel del terre demaund, en abatement del briefe, donques le plaintife ou demaundant poit abridger ſon plaint, ou demaund al ceſt parcel, cẽ adire, il poit

Abridgemẽt of a plaint or demaund.

A Bridgement of a plaint or demaund, is where one bringeth an Aſſiſe, writ of Dower, writ of Ward, or luchlike, in which caſes for that the writ of Aſſiſe is, de libero tenemento, as in a writ of dower, the writ is, Rationabilem dotem quę eam cõtingit de libero tenemento W. her huſband. And in a writ of ward the writ is, Cuſtod terrarũ & heredis &c. without ſhewing any certaintie in theſe writs: but in the pleint of the aſſiſe, or demand in the writ of dower, and in the cõt in the writ of ward, ỹ plaintife or demandant is to ſhew the certainty of ỹ acres, or parcels of lãd, then if the tenãt pleadeth Nontenure, or lointenãcy, or ſome other ſuch like plee to parcell of the land demaunded in abatement of the writ, thẽ the plaintife or demaundant may abridge his plaint, or demaund to that parcell, this is to ſay, hee may leave

leaue out that part, & pray that the tenant shall answere the rest to whiche hath not yet pleaded any thing. The cause is for that in such writs the certaintie is not set downe, but is generally: and notwithstanding the demandant hath abridged his plaint or demand in part, yet the writ remayneth good still for the rest.

9 Accedas ad Curiam.

ACcedas ad Curiam, is a writ directed to the Shirife, commaunding him to go to such a Court of some Lord or franchise, where a plaint is sued for taking of beastes as a distresse, or any false iudgement is supposed to bee made in any suite which hath bin in such a Court, which is not a Court of record, and that the Shirife shall there make record of the said suit in presence of the suitors of the same Court, and of foure other knights of the Countie, & certifie it into the Kings Court, and at that day that is limited in the writ.

omit hors ceſt part, & prie que le tenant reſpondra al reſt a que il ne ad vncore plede aſcũ choſe. Le cauſe eſt pur ceo que en tielx brieſes le certaintie neſt mis, mes eſt generalment: & nient obſtant le demaundant ad abridge ſon plaint ou demaund en part, vncore le briefe demurre bõ pur le reſidue.

Accedas ad Curiam.

ACcedas ad Curiam, eſt vn bꝛe direct al vicont, luy commaundant de aler a tiel court daſcun Seigniour ou franchiſe, lou vn plaint eſt ſue pur priſel del auers come diſtreſſe, ou aſcun faux iudgement eſt ſuppoſe deſte fait en aſcũ ſuit que fuit en tiel court, quel neſt court de record, & que le Vicont la ferra record del dit ſuite en preſence del ſuitors de meſm̃ le Court, & de quatuor auters Chiualers de le counꝛtie, & ceo record certifiera al court le Roy, & a cel iour quel eſt aſſigne en le briefe.

Acceptance.

Acceptance eſt vn prendrans en bon gree, & come vn agreement al aſcun choſe fait deuant, le quel puit auer eſte vnfait & auoide (ſi tiel acceptãce nad eſtre) per luy ou ceux que iſſint accepta, ſi come pur example: ſi vn Eueſq; deuant ſtatute fait anno primo Elizabethæ leſſe terre part del poſſeſſions de ſon Eueſcherie pur ans reſeruant rent & moruſt, & puis vn auter eſt fait Eueſque, le quel accepta, ceſt adire, priſt ou receiue le rent quant il eſt due & doit eſtre pay, ore per ceſt acceptance le leaſe eſt fait perfect & bon, ſe quel auterment le nouel Eueſque poit aſſets bien auoide & faire fruſtrate.

Semblable ley eſt, ſi vn home & ſa feme ſeiſi de tres en droit del feme ioyn & font leaſe ou feoffemẽt per fait reſeruant rent, & le baron moruſt, el accepta ou receiua le rent, per ceel le feoffement ou leas eſt fait perfect & bon, & ſerra barre a luy de porter ſa bꝛe appel Cui in vita.

10 *Acceptance.*

Acceptance is a taking in good part, and as it were an agreeing vnto some act doe before, which might haue bin vndone & auoided (if such acceptãce had not bin) by him or thẽ that so accepted, as for exãple: if a Bishop before ꝑ ſtatute made in the firſt yere of Eliz. leaſe part of the poſſeſſions of his Biſhoprick for term of yers, reſerving rent & dieth, & after another is made biſhop, who accepteth, that is to say, taketh or receiueth the rẽt whẽ it is due & ought to be paied, now by this acceptance ꝑ leaſe is made perfect & good, which els the new biſhop might very well haue auoided & made fruſtrate.

The like lawis, if a mã & his wife ſeiſed of land in the right of the wife, ioyne & make a leaſe or feffemẽt by deed, reſerving rent, & the husband dieth, ſhe accepteth or receiueth ꝑ rẽt, by this ꝑ feoffemẽt or leaſe is made perfect and good, & ſhal bar her to bring her writt called Cui in vita.

11 *Ac-*

11 *Accessories.*

ACcessories are in two sorts, the one before the offence, the other after the offence is done. Accessorie before the fact, or offence, is he that commandeth or procureth an other to doe felony, & is not there present himselfe when the other doth it, but if he bee presēt, thē he is also principall. Accessorie after the offence, is he that receiueth, fauoureth, aideth, assisteth, or comforteth any man that hath done any murder, or felony, wherof he hath knowledge, such an accessorie shal be punished, and shal haue iudgement of life & member, as well as the principall which did the felonie: but such an accessory shall neuer be put to ye til the principal be attaint or cōuict, or be outlawed therupon. But a womāin such case shall not be accessorie for helping her husband. In great or high treason aswell the commanders as ye assisters & receiuers after be alwaies principals.

Also one may be acces-

Accessories.

ACcessories sōt en deux sorts, lun auant le fact, le auter puis le fact fait. Accessorie deuant le fait, est celuy que commaunda ou procura auter de faire felony, & nest la present luy mesme quant lauter le fait, mes sil soit present donques il est auxy principal. Accessorie puis le fait est celuy que receiua, fauora, aida, assist, ou comfort ascun home que ad fait ascun murder, ou felonie, dont il ad conusauns, tiel accessory serra punish, & auera iudgement de vie & de member, auxybien come le principal que fist le felonie: Mes tiel accessorie ne serra iammais mis a responder a ceo tanque le principal soit conuict ou attaint, ou soit vtlage de ceo. Mes vn feme en tiel case ne serra accessory pur le ayder de son baron. En graund ou hault Treason cibien les commaunders, come les assisters & receiuers apres, sont touts foitz principals.

Auxy vn poit estre ac-

cessorie al accessorie, si cõe vn feloniousm̃t receiue vn auter q́ est accessorie al felonie, la le receiuor est vn accessorie.

Veies pluis del accessorie en le dit Lieur de les Plees del Crowne, le prim̃ lieur, cap. 44. 45. 46. 47. 48. 49 & 50.

12 Action.

ACtion est le forme de vn suit done per le ley de recouer chose, come action de Dette, & rielx semblables.

Vide Lexicon Iuris pur action.

13 Actions personals.

ACtions personals sont tiels actions per queux home claime dette ou auter biẽs & chateux, ou dãmage pur eux, ou dãmage pur tort fait a son ꝑson, & est ꝓꝑm̃t celq́ en le Ciuil ley est appel actio in personam, que aduersus eum intẽditur, qui ex contractu vel delicto obligatus est aliquid dare ou concedere.

14 Actions reals.

ACtions reals sont tie's actions ꝑ queux le demaundant claime title al

sorie to an accessorie, as if one feloniously receiue an other that is accessorie to felonie, there the receiuor is an accessorie.

See more of accessorie in ye said booke of Plees of the Crowne the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

Action.

ACtion is the forme of a suit giuen by the Law to recouer a thing, as an action of Debt, and such like.

See the Lexicon of the Law for action.

Actions personals.

ACtiõs personals be such actions wherby a man claimeth debt or other goods & chattels, or damage for them, or damages for wrong don to his person, and it is properly that which in the Ciuill law is called Actio in ꝑsonam, which is brought against him who is bound by couenant or default to giue or grant any thing.

Actions reals.

ACtions reals be such actions whereby the demandant claimeth title to any

anylands or tenements, rents or commons, in fee simple, fee taile, or for terme of life.

15 Action populer.

ACtiõ populer is an action which is giuẽ vpon the breach of some penall statute, the which action euery man that will, may sue for himselfe & the King, by information or otherwise, as the statute alloweth, & the case requireth. And of these actions there be an infinite number but one for example, as: when any of the Iury that are impanelled and sworne to passe betweene party & party indifferẽtly, doe take any thing of ẽ one side or other, or of both parties to say their verdicts on that side, thẽ any man that will within the yeare next following ẽ offẽce made may sue a writ called Decies tantum: against him or them & so did take to giue his verdict, & becaule ẽ this actiõ is not giuen to one specially, but generally to any of the K. people as will sue it is called an actiõ popular, but in

aſcun terres ou tenemẽts, rents ou commons, in fee ſimple, fee taile, ou pur terme de vie.

Action populer.

ACtion populer eſt vn action que eſt done ſur le breach daſcũ penal ſtatute, le quel action cheſcũ home que voit poit ſuer pur luy meſme & le Roy, per information ou auterment, cõe le ſtatute allow & le caſe require. Et de ceux actions il y ad infinite nũber, mes vn pur example eſt: Quant aſcũ del Iury que ſont empanel & iurus de paſſer perẽter party & party indifferentr ẽr, priſt aſcũ choſe de lun part ou lautr, ou de ambideux parties pur lour verdict dire al ceo part, donques aſcun home que voit deins lan procheine enſuant le offence fait, poit ſuer vn briefe appel Decies tantũ enũs luy, ou ceux que iſſint priſt ẽ lour verdit dire, & pur ceo que ceſt action neſt don al vn home ſpecialmẽt, mes generalmẽt al aſc'de les peopl' de Roy que voit ſuer, il appel vn action popul', mes en

cel case, quant vn auoit commence de pursuer cel action, nul auter poit ceo suer, & en ceo come semble cel varie del action populer per le Ciuil ley.

16 *Action mixt.*

ACtion mixt est vn suit done per la ley de recouer le chose demaund, & auxy damages pur le tort fait, come en Assise de Nouel disseisin, quel briefe (si le disseisor fait feoffement al auter) le disseisee auera vers le disseisor & le feoffe ou auter terre tenant, & en ceo recouera son seisin del terre & ses dammages pur le mean profits, & pur le tort a luy fait. Et issint est vn action de Wast & Quare impedit. Mes vn action de Detinue nest appel action mixt, comt p ceo le chose detenus est demaund, & serra recouer si poit estre troue & damages pur le detaini, & si ne poit estre troue, donq; damages pur la chose & la detciner:

Mes ceo est appel solemont action personal que serra sort solemt pur biens ou chatels, ou charters.

this case where one hath begun to pursue an action, no other may sue it, and in this as it semth this doth varie from an action populer by the Ciuil law.

Action mixt.

ACtion mixt is a suit giuen by the law to recouer the thing demanded, & also damages for ꝑ wrong done, as in Ass. of Nouel diss. the which writ (if the disseisor make a feoff. to another) ꝑ disseisee shal haue against ꝑ disseisor, & ꝑ feoffee or other land tenant, & therby shal recouer his seisin of the land & his damages for the meane profits, & for the wrong don vnto him. And so is an actiõ of Wast & Quar impꝫ. But an actiõ of detinue is not called an actiõ mixt although by it the thing withheld is demãded, & shalbe recouered if it may be found & damages for the withholding, yf it cannot be found, the damages for ꝑ thing & ꝑ detaining. But ꝑ is called only an actiõ personal, because that it should be brought only for goods & chattels, or charters.

17

17 *Action of a writ.*

ACtion of a writ, is a phrase of speech vsed when one pleadeth some matter, by which he sheweth ẏ the plaintife had no cause to haue ẏ writ which he brought, & yet it maybe that he may haue another writ or action for the same matter: such a plee is called a plee to the action of the writ, wher as if by the plee it should apeare, that the plaintife hath no cause to haue any action, for the thing demãded, thẽ it shal be called a plee to ẏ action

18 *Action vpon the case.*

ACtion vpon the case, is a writ brought against one for an offence done without force, as for not performing promise made by the def. to the plaintif, or for speaking of words, by which the plaintife is defamed, or for other misdemeanor or disceit, wher the whole case shal be cõtained in the writ.

19 *Action vpon the Statute.*

ACtion vpon the statute, is a writ founded vpon

Action del briefe.

ACtion del briefe est vn phrase del parlance, vse quant vn plede ascun matter, per que il monstre que le plaintif nad cause dauer le briefe que il port, & vncore poit este que il poit auer auter briefe ou action pur mesme le matter: tiel plee est appell plee al action del briefe, lou si per la plee appiert que le plaintife naueroit ascun cause de auer ascun action pur le chose demand, donques ceo serra dit plee al action.

Action sur le case.

ACtion sur le case est briefe port enuers vn pur ascun offence fait sans force, come pur nient performance del promise fait per le defendant al plaintife ou pur parlance des parols per queux le plaintife est defame, ou pur auter misdemenor ou disceit, lou tout le case serra contenus en le briefe.

Action vpon the Statute.

ACtion sur le statute, est briefe foundue sur ascun

cun estatute, lou per ascun estatute vn action est done a vn en ascun case lou nul tiel action fuit deuant. Come lou vn commit periurie al preiudice dun auter, celuy que est damnifie auera briefe sur le estatute & son case. Et le difference enter action sur le statute & action populer est, que lou le statute, done le suit ou action al partie grieue, ou auterment, a vn person certain, ceo est appel Acton sur le statute. Mes loup le statut, authority est done a chesc' que voyle de suer, ceo est appel action populer.

any statute, where by any statute an action is giuen to one in any case where no action was before: As where one cōmitteth periurie to the preiudice of an other, hee which is indamaged shall haue a writ vpō the statute & his case, And ẏ differēce between an action vpon the statute & action populer is, that where the statute giueth the suit or actiō, to ẏ party grieued, or otherwise to one person certaine, ẏ is called action vpon the Statute: But where by the Statute authority is giuen to euery one that will so sue, that is termed action populer.

20 Accompt.

ACcompt est vn briefe, & gist lou Baylife ou receiuer dascun seigniour ou dauter home, que doit render accompt, ne voit render son accompt, donques celuy a quel accompt doit este render, auera cest briefe. Et per lesture de Westminster 2. capitulo 10. si laccomptant soit troue in arera-

Accompt.

ACcompt is a writ, and it lieth where a Bailif or a Receiuer to any Lord or other mā, which ought to render account, will not giue his account, thē he to whō the accoūt ought to bee giuen, shall haue this writ. And by the Statute of Westminster 2. Chap. 10. if the Accomptant bee found in arera-

ges

ges, the Auditors which be assigned to him, haue power to award him to prison, there to abide till he haue made agreemēt to the party. But if the Auditors will not allow reasonable expence & costes, or if they charge him with more receits then they ought, then his next friend that will sue for him, shall sue a writ of Ex parte talis out of the Chancery directed to the Sherife to take foure mainpernors to bring his bodie before the Barons of the Exchequer at a certaine day, & to warne the Lord to appeare there at a certaine day.

ges, les Auditors que sont a luy assignes, ont power de agarder luy a prison, la a demurrer tanq; il ad fait gree al pty. Mes si les Auditors ne voillont allower reasonable expence & costage, ou sils chargeront luy oue plusours receiptes quant ne duissent, donques son procheine amy, q̄ voit suer pur luy, suera vn briefe de Ex parte talis hors del Chauncerie, direct al Vicont de prender 4. Mainpernors de rēdre son corps deuant les Barons del Exchequer a certaine iour, & de garner le Seigniour dappearer la a mesme le iour.

Accord.

ACcord is agreemēt betweene two at the least, to satisfie an offence that the one hath made to the other, when a man hath don a trespas, or such like vnto an other, for p̄ which he hath agreed with him to satisfie & content him with some recompence, which if it be executed & performed, then because that this recompence is a full

Accord.

ACcord est vn agreemēt perentre deux al meines pur satisfie vn offence que le vn ad fait al auter, quant vn home ad fait vn trespasse, ou tiel semblable al auter, pur le quel il ad agree oue luy de satisfier & content luy oue recompence, quel si soit executed & performe, donques pur ceo que cest recompence est vn pleine satis-

satisfaction pur le offence, il serra vn bon barre en le ley, si lauter apres laccord perfourme, voit suer arere vn action pur mesme le trespas.

Nota que le primer est pprement appelle vn Accord, le aut̄ est vn cõtract.

22 *Acquitall.*

ACquitall est quaunt il y ad Seignior, mesne, & tenant, & le tenant tient de le mesne certaine terres ou tenements en frankalmoigne, frankmarriage, ou tiels semblables, & le mesne tiēt ouster auxy de le seignior paramount, ou deuant luy. Ore doit le mesne acq̄te ou discharge le tenant, de tout & chescun maner de seruice, que ascun auter voit auer ou demaund̄ de luy concernant mesmes les terres ou tenements, pur ceo que le tenant doit faire le seruice a le mesne tantsolement, & nemy al diuers seigniours pur vn tenement, ou parcel del terre. Mesme le ley est ou il est Sr̄, mesne, & tenant come auant dit, & le mesne granta al tenāt (sur le tenur fait per ceus)

satisfaction for the offece, it shall be a good barre in the law, if the other after the accord performen, should sue againe any action for the same trespas.

Note that the first is properly called an accord: the other a contract.

Acquitall.

ACquitall is where there is a Lord, mesne, & tenant, & the tenant holdeth of the mesne certain lāds or tenements in frankalmoigne, frankmariage, or such like, and the mesne holdeth ouer also of ꝑ lord paramount, or bone him. Now ought the mesne to acquit or discharge the tenant of all & enery maner of service, ꝑ any other should haue or demand of him, concerning the same lāds or tenements, for ꝑ the tenāt must do his service to the mesne onely, & not to diuers lords for one tenement or parcel of lād. The same law is where there is one Lord, mesne, and tenant as afoziād, and the mesne graunteth to the tenant (upon ꝑ tenure made betweene the)

to

to acquite and discharge him of all rents, ſeruices, and ſuch like: This diſcharge is called acquital.

Like law is if the tenãt holdeth of his meſne by like ſeruices, as ỹ meſne holdeth ouer of the Lord, & the tenant doth or payeth his ſeruices to the meſne, but the meſne doth not his ſeruices to the chiefe lord, wherfore he diſtraineth the beaſts of the tenant: In this caſe the meſne for the equalneſſe of the ſeruices ought to acquite ỹ tenant of ỹ ſeruice due vnto the Lord.

23 *Acquitance*

ACquitãce, is a diſcharge in writting of a ſumme of money, or other dutie which ought to be payed or done: As if one bee bound to pay money vpon an Obligation, or rent reſerued vpon a leaſe, or ſuch like, and the party to whom the money or duity ſhould bee paied or done, vpon the receipt thereof, or vpon other agreement, betweene them had, maketh a writting or bill of his hand, in diſcharge

pur acquiter & diſcharger luy de tours rents, ſeruices & tiels ſẽblables. Ceſt diſcharge eſt appel Acquital.

Meſme le ley eſt, ſi tenãt tient de ſon meſne per autiels ſeruices, cõe le meſne tient ouſter del Seignior, & le tenant fait ou paye ſeruices al meſne, mes le meſne ne feſoit ſes ſeruices al Seignior paramoũt, per que il diſtreine les beaſts del tenant: en cel caſe le meſne pur le ouelty del ſeruices doyt acquiter le tenant del ſeruices due al Seignior.

Acquitance.

ACquitance, eſt vn diſcharge en eſcript dun ſumme de mony, ou auter duetie, quel doit eſte paye ou fait: ſi come vn ſoyt oblige de payer money ſur vn obligation, ou rent reſerue ſur vn leaſe, ou tiel ſemblable, & le partie a que le mony ou duety doit eſte pay, ou fait, ſur le reſceit de ceo, ou ſur auter agreement parenter eux ewe, fait eſcript, ou bill de ſon mayne en diſcharge

ac

de ceo, testimoignant que il est paie, ou auterment contét, & pur ceo acquite & discharge luy de ceo, le quel acquitance est tiel discharge & barre en le ley, que il ne poit demand & recouer mesme le sum ou dutie auterfoits, contr̃ a ceo, sil poit monstre le acquitance.

Cest parol differt ab hoc quod in Iure ciuili acceptitatio dicitur, quia illud fieri potest verbo sine scripto, & nihil alud est quam ficta solutio & liberatio, licet solutio non sit: nec Apocha dici potest, quæ cautio est solutæ datęuè pecuniæ, q́ non liberat nisi pecunia soluta sit.

therof, witnessing that he is paid, or otherwise contented, and therefore doth acquite and discharge him of the same, which acquitance is such a discharge & barre in the law, that he cannot demand and recouer that summe or dutie again, contrary therunto, if he shew the acquitance.

This word differeth frō those which in ẏ Ciuill Law be called Acceptitatio, or Apocha, because Acceptitatio may be by word without writting, and is nothing but a fayned payment and discharge, though no paymēt be had. And Apocha is a writing witnessing ẏ payment or deliuerie of money, which dischargeth not vnles the money be paid.

24 Acts.

ACts de Parliament sōt leyes positiue que consist de deux parts, cest adire de les parolx del act, & del sence de ceo, & ils ambideux ioynt ensemble font la ley.

Acts of parliament, are positiue Lawes which consist of two parts, that is to say, of the words of the Act, and of the sence therof, & they both ioyned together make the law.

25 Additions.

ADdition, est ceo que est done al home ouster

Additions [illegible] that which [illegible] man ouer

ter and beſides his proper name & ſirname, that is to ſay, to ſhew of what eſtate, or degree, or myſterie hee is, and of what Towne or hamlet, or Countie.

Additions of eſtate are theſe, yeoman, gentleman, Eſquire, and ſuch like.

Additions of degree are thoſe that we call names of dignity, as Knight, Erle, Marques & Duke.

Additions of myſterie are ſuch, ſcriuener, painter, maſon, carpenter, taylez, ſmith, and ſo all other of like nature, or myſterie is the craft or occupation wherby a man getteth his liuing.

Additions of townes as Sale, Dele, and ſuch others, and ſo of the reſt.

And where a man hath houſehold in two places he ſhal be ſaid to dwell in both of them, ſo that his addition in one of them doth ſuffice.

By the ſtatute the firſt yeare of H. the 5. Chapter the 5. it was ordained that in ſuites or in actiõs where proceſſe of vtlegaries

ſon proper noſme & ſirnoſme, ceſt adire, pur monſtrer, de quel eſtate, ou degree, ou miſtery il eſt, & de que Ville ou Hamlet, ou Countie.

Additions de eſtate ſont ceux, yeoman, gentleman, Eſquire, & tiels ſemblables.

Additions de degree ſõt ceux q̃ nous appellomus noſmes de dignitie, come Chiualer, Conte, Marques, & Dux.

Additions de miſterie ſont ceux, ſcriuener, painter, maſon, carpenter, taylor, ſmith, & iſſint toutes auters de ſemblable nature, car miſterie ẽ le craft ou occupation, per que home gaine ſon liuing.

Additions de villes cõe Sale, Dale, & tiels auters, & iſſint de les auters.

Et ſi vn home ad houſhold en deux lieux, il ſera dit demurſ en ambideux, iſſint que ſon addition en vn de eux ſuffiſt.

Fuit ordeine per leſtatute Anno 1. Henrici 5. cap. 5. que en ſutes ou actions, ou proces de-

lagarie

lagarie giſt, tiles additions ſerra al noſme del defendant, a declarer ſon eſtate, miſterie, & lieu ou il enhabite, & que tiels brieſes abateront ſils ne ount tiels additions, ſi le defendant priſt exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marqueſſe, Counte, ou Chiualer ne ſont pas de ceux additiõs, mes noſmes de dignitie, queux duiſſont auer eſtre done deuant le Statute.

Et ceo fuit ordeigne per le dit ſtatute fait en le primer an de Roy H. le 5. ca. 5. al intent que vn home ne ſerroit greeue ne trouble per le vtlagarie de vn auter: Mes que per reaſon de le certaine addition, cheſcun home poyt eſſe certainment conus, & portera ſa burden demeſne.

26 *Adiournement.*

ADiournemẽt eſt quant aſcun Court eſt diſſolue & determine, & aſſigne deſtre garde artere al auter lieu ou temps, & moy ſemble eſt comprys pur ceo que tiels additions ſerront fait en le dit ſtatute.

Auxy Duke, Marqueſſe, Counte, ou Chiualer ne ſont pas de ceux additiõs, mes noſmes de dignitie, queux duiſſont auer eſtre done deuant le Statute.

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Adiournement.

ADiournement is when any Court is diſſolued and determined, & aſſigned to bee kept againe at another place or time, and me thinketh is compounded

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ded of two words (ad) or (al) and iour.

pound de deux parolx (ad) ou (al) & iour:

27 Admeasurement de Dower.

ADmeasurem̃t de dower is a writ, and it lieth where a womã is endowed by an infant, or by a gardein of more then shee ought to haue, the heire in such case shall haue this writ, by the which the woman shalbe admeasured, & the heir restored to ẏ ouerplus. But if one abate, ẏ is to say, one which hath no right entreth after ẏ death of the husband, and indow the wife of him ẏ is dead, of more then she ought to haue, the heire shall not haue this writ, but Assise of Mordauncester, against the woman, & if she pleadẏ shee was endowed of the land as of the freehold of her husband, the heire shal shew how shee was indowed by the abator, & ẏ she had more thẽ she ought to haue, & shal pray that he may be restored to the surplusage, & if it be found, he shalbe restored.

Admeasurement de Dower.

ADmeasurem̃t de dower est vn briefe, & gist lou vn feme est endow per vn infant, ou per vn gardeine de pluis que deuoit auer, le heire en tiel case auera cest briefe, per quel le feme serra admeasure, & le heire restore a le surplusage. Mes si vn abate, cesta dire, vn que nad droit enter apres le mort le baron, & endow la feme de cestuy que est mort, de pluis que doit aũ, le heire nauera cest briefe mes Assise de Mordauncester vers la fem̃, & si el pled̃ que el fuit endowe de ceo terre come del franktenement sa baron, le heir mõstra coment el fuit endow per le abator, & que el ad pluis que deuoit auer, & priera que il soit restore al surplusage, & si soit troue, il serra restore.

28 Admeaſurement de paſture.

ADmeaſurement de paſture, eſt vn briefe, & giſt lou pluſours tenaunts, ont common appendaunt en auter terre, & vn ſurcharge le commō oue pluſors auers: Donques lauters commoners poient auer ceſt briefe vers luy, & auxy poit eſtre port per vn commoner ſolement, mes donques couiēt eſtre port vers touts lauters commoners, & vers ceſty que ſurcharge, pur ceo que touts les commoners ſerront admeaſures.

Et ceſt briefe ne giſt vers luy, ne pur luy que ad cōmon appurtenant, ou cōmon in groſſe, mes ceux que ount common appendant ou common p cauſe de viſinage.

Vide le diuerſitie de touts ceux commons aprés en le title de Common.

Auxy ceſt briefe ne giſt pur le Seignior, ne vers le Seignior, mes le Seigniour poit diſtraine les auers le tenaunt que ſont ſurpluſage. Mes ſi le Seigniour ſurcharge le common, les

Admeaſurement de paſture.

ADmeaſurement de paſture is a writ, & it lyeth where many tenants haue common appendant in an other ground, & one ouerchargeth the commō with many beaſtes: Then the other cōmoners may haue this writ againſt him, and alſo it may bee brought by one commoner onely: but then it behoueth to bee brought againſt all the other commoners, and againſt him that ſurcharged, for that all the cōmoners ſhalbe admeaſured.

And this writ lyeth not againſt him, nor for him y hath cōmon appurtenant or common in groſſe, but them which haue commō appendant, or common by cauſe of viſinage.

See the diuerſitie of all theſe cōmons afterwards in the title of Common.

Alſo this writ lyeth not for the Lord, nor againſt the Lord, but the lord may diſtraine the beaſts of the tenant that be ſurpluſage. But if the Lord ouercharge the Common, the com-

commoner hath no remedie by the cõmon law, but an Assise of his common.

29 Administator.

ADministator, is hee to whom the Ordinarie cõmitteth the administration of goods of a dead man for default of an executor, & an action shall lie against him, & for him, as for an executor, & he shalbe charged to ꝑ value of the goods of the dead man & no further, if it be not by his owne false plee, or for that that he hath wasted ꝑ goods of the dead. But if the administrator die, his executors bee not administrators, but it behoueth the Ordinary to cõmit a new administration. But if a strãger that is not administrator nor executor take the goods of the dead, & administer of his owne wrong, he shal be charged & sued as an executor, and not as administrator in any action that is brought against him by any creditor. But if the Ordinary make a letter ad Colligẽdũ bona defũcti, he that hath such a letter is not adminis-

commoners nont remedie per le cõmon ley, mes vn Assise de son common.

Administrator.

ADministrator, est celuy a que le Ordinary commit le administration des biens le mort pur default de executors, & action gist vers luy, & pur luy come pur executor, & serra charge iesques al value des biens le mort & nient ouster, sil ne soit per son faux plee, ou pur ceo que il ad wast les biens le mort. Mes si le administratour deuie, ses executors ne sont administrators, mes couient al Ordinarie de committ nouel administration. Mes si vn estraunge que nest administratour ne executor prist les biens le mort, & administer de son tort demesne, il serra charge & sue come executor, & nemy come administratour en ascun action que est port vers luy per ascun creditour. Mes si le Ordinarie fait vn briefe ad Colligendum bona defuncti, celuy que ad tiel letter nest adminis-

ʳator, mes lactiõ gist vers le ordinary auxibien come ſil priſt les biẽs en ſonmain demeſne, ou p̃ le maine de aſcun de ſes ſeruants p̃ auter commandement.

30 Admirall.

ADmirall eſt vn officer ſouth le Roy, que ad auctʰority ſur le mere tantum, pur vever le nauie repaire & maintaine pur ſuppreſſer & chaſer dehors eſtimures de mere, & de faire droit de contractes perenter partie & partie, concernant choſe fait ſur & ouſter le mere, & pur ceſt purpoſe il ad ſon court appel le Admiraltie. Il poit cauſer ſon Citation deſtre ſerue ſur le terre, & prender le corps del party ou biens en execution ſur le terre.

Item il ad cogniſance del mort ou maihem de vn home fait en aſcũ grãd nieſe fleetant en graund ryuers en le Realme, debaſe les ponts de eux proeheine al mere.

Auxy pur arreſt nieſes en les graund ſtreames pur les voyages del Roy & Realme, & ad iuriſdiction

ſtrator, but the action lieth againſt the Ordinary aſwel as if the tooke ẽ goods to his own hand, or by the hand of any of his ſeruãts by any other cõmãdemẽt.

Admirall.

ADmiral is an Officer vnder the King, that hath authority vpon the ſea onely, to ſee the Nauie prepared and maintained to ſuppreſſe & chaſe away robbers and rouers, and to iudge of contracts betweene partie and partie, concerning things done vpon & beyond the ſeas, & for that purpoſe hee hath his Court called the Admiraltie. Hee may cauſe his Citation to be ſerued vpon the land, & take the parties bodie or goods in execution vpon the land.

And alſo he hath cogniſans of the death or mayhem of a man committed in any great ſhip fleeting in great Riuers in the realm, beneth the bridges of the ſame next the ſea.

Alſo to arreſt ſhips in the great ſtreams for the voiges of the K. & Realme, and hath iuriſdiction in

the

the ſaid ſtreames during the ſame voyages.

31 Ad quod damnum.

AD quod damnum is a writ which ought to be ſued before the king grant certaine liberties: as a Fayre, Market, or ſuch like which may be preiudiciall to others. And by it ſhal be inquired if it ſhould bee a preiudice to graunt them, & to whom it ſhal be preiudiciall, & what preiudice ſhal come thereby.

32 Aduowſon.

A Duowſon is where a man & his heires haue right to preſẽt their clerk to the Ordinarie to a parſonage, or other ſpirituall benefice when it becommeth void. And he which hath ſuch right to preſent is called Patron.

33 Age prier.

A Ge prier, is whẽ an action is brought againſt an Infant of ſáds which he hath by diſcent, there he ſhall ſhew ẽ matter to the court, & ſhall pray that the action may ſtay till his full age of xxj. yeares, & ſo by awarde of the Court, the ſuit ſhall ſurceaſe.

en les dits ſtreames durant meſmes viages.

Ad quod damnum.

AD quod damnum eſt vn briefe que doit eſte ſue deuant le Roy graunt certaine liberties: Come Faire, Market, ou tielx ſẽblables queux poient eſte preiudicial al auters. Et per ceo ſerra inquiſe ſi ſeroit preiudice a graunter eux, & a que ſerra preiudicial, & que preiudice ent auiendra.

Aduowſon.

A Duowſon eſt lou vn home & ſes heires ont droit de preſenter lour Cierke al Ordinarie al vn parſonage, ou auter eſpiritual benefice quant il deuient void. Et celuy que ad tiel droit de preſenter eſt appel patron.

Age prier.

A Ge prier eſt quant action eſt port vers enfant de terre que il ad per diſcent, la il monſtra le matter al Court, & priera que le action demurra tanque a ſon pleine age de xxj. ans, & iſſint per agard de Court le ſuit ſurceſſera.

Mes en briefe de dower & en Assise, & auxy en tiels actions lou le infant est suppose a vener al terre en demaund de son tort demesne, il nauera sa age.

Auxy nota que sont plusors diuersities de ages, car le Seigniour auera ayde de son tenaunt en Socage pur marrier sa file, quant la file le Seignior est del age de sept ans. Et auxy aide pur faire son fites & heire chiualer, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si sa baron moruste seisi auera Dower, & nemy deuant ix. ans.

Auxy xiiij. ans est le age de feme que ne serra en gard, si el suit de tiel age al temps del mort son auncester, mes si el suit deins age de xiiij. ans, & en gard son Seignior, donques el serra en gard tanque al age de xvj. ans. Et auxy xxj. ans est le age de heire male destre en gard, & aptes ceo hors de gard.

But in a writ of Dower and in Assise, & also in such actions where the infant is supposed to come to the land demaunded by his owne wrong, hee shall not haue his age.

And note well that there bee many diuersities of ages, for ỹ Lord shall haue aide of his tenant in Socage for to marrie hys daughter, when ỹ daughter of the Lord is of the age of viij peres. And also aide for to make his son & heire knight, when he is of the age of viij. peares.

Also a woman which is married at the age of ix. peares, if her husband die seised shall haue dower, & not before nine peares.

Also xiiij. peares is the age of a woman that shee shal not be in ward, if shee were of such age at ỹ time of the death of her auncestor, but if shee were within the age of 14. peres, & in ward of the Lord, thẽ she shal be inward till the age of 16. peres. And also 21. peares is the age of the heire male to be in ward, & after that out of ward.

And

And also it is the age of male and female to sue & to be sued of lands which they haue or claime by discent, & to make al manner of contracts & bargains, & not before: but if such an infãt within the age of 21. yeres giue his goods and the donee take thẽ, the infãt may haue anaction of trespas, but otherwise it is if he deliuer thẽ himself.

Et auxy il est le age de male & female de suer & destre sue des terres, que ils ount ou clayme per discent & de faire touts maniers contracts & bargains, & nient deuaunt: mes si tiel infant deins ages de 21. ans done ses biens, & le donee eux prist, le enfaunt poyt auer vn action de trespas, mes autrement il est sil deliuer eux.

34 Agreement.

A Greement, is after this sort defined or expounded in Master Plowdens Commentaries. Aggreamentum is a worde compounded of two wordes namely, of Aggregatio, & Mentium, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some things done, or to be don, and by drawing together of the two wordes, Aggregatio and Mentium, & by the hastie and short pronouncing of them they bee made one worde, to witte, Aggreamentum, which is no other thing, then a ioyning, putting,

Agreement.

A Greement, est en cest manner define ou expounde en Mayster Plowdens Commentaries. Aggreamentum, est vn parol compounde de deux parolx, cestascauoir, de Aggregatio & Mentium, cest adire agreement de ments, issint que Aggreamentum est Aggregatio mentium in re aliqua facta vel facienda, & per le contraction de les deux parolx, Aggregatio & Mentium, & per le correpte & briefe parlance de eux, ils sont fait vn paroll, cestascauoir, Aggreamentum, le quel nest auter chose, que vn vnion, collecte

copulation & coniunction de deux ou plusours ments in aſcun choſe fait ou deſte fait. (Veies apres en Teſtament.) Et ceſt agreement eſt en 3. manners.

Le primer eſt vn agreemẽt executed en fait al cõmencemẽt.

Le second, eſt vn agreemẽt puis vn act fait p auſ, & eſt vn agreement executed auxy.

Le tierce eſt vn agreemẽt executory ou dée fait en temps vncoſa veſi.

Le primꝰ, que eſt vn agremẽt executed en fait al cõmencemẽt, eſt tiel de que mention eſt fait en le ſtatute de 25. Edward. 3. ca. 3. de pannis in le quart Statute q̃ dit, que les biens & choſes achates p foreſtallers, que de ceo ſerront attaints, ſoient forfeits al Roy, ſi le achator ent vſt fait gree al vẽdor. En quel caſe, ceſt parol (Gree) que eſt auterm̃t appel agreemẽt ſerra entende agreement execute, viz. paiment pur les choſes.

coupling & knitting together of two or moe minds in any thing done or to be done. (See after in Teſtament.) And this agreement is in three manners.

The firſt is an agreemẽt executed already at the beginning.

The ſecõd is an agreemẽt after an act done by another, & is an agreemẽt executed alſo.

The third is an agreemẽt executory, or to be done in time yet to come.

The firſt, which is an agreement executed already at the beginning, is ſuch, whereof mention is made in the ſtat. of 25. Ed. 3. cap. 3. of clothes in the fourth ſtat. which ſaith, That the goods & things bought by foreſtallers, being thereof attainted, ſhal be forfeit to the King, if ꝑ buyer thereof have made gree with the ſeller. In which caſe ꝑ word (gree) which is otherwiſe called agreement, ſhall be underſtood agreement executed, that is, payment for the things.

The

The ſecond maner of agreemēt is ſwher one doth a thing, or act, & another agrees or aſſents thereto afterwards, as if one doa diſſeiſin tomy vſe, & afterward I agree to it, now I ſhall bee diſſeiſor from the beginning, and ſuch agreement is an agreemēt after an act done.

The third agreement is ſwhen both parties at one time are agreed that ſuch a thing ſhalbe dōe in time to come, and this agreement is executorie in as much as the thing ſhalbe done after, and yet there, their minds agreed at one time. But becauſe p̄ perſormāce ſhalbe afterward & the thing vpon which the agreemēt was made, remaines to be done, that agreemēt ſhalbe ſaid executorie. And that the ſtatute of 26. H. 8. cap. 3. doth proue ſwhere it ſaith, that euery vicar, parſon, & ſuch like, &c before their actual poſſeſſiō, or medling with the profits of their benefices ſhal ſatiſfie, content, &c. or agree to pay to the K. the firſt fruits, &c. & if

Le ſecond maner de agreement eſt lou vn fait vn choſe ou act, & vn auter agree ou aſſent a ceo apres, come ſi vn fait diſſeiſin a mon vſe, & apres ieo agree a ceo, ore ieo ſerra diſſeiſour ab initio, & tiel agreement eſt vn agreement puys vn act fait.

Le teirce agreement eſt quant ambideux parties a vn temps ſont accords que tiel choſe ſerra fait en temps a venir, & ceo agrement eſt executorie, entant que le choſe ſerr̄ fait apres, & vncore la, lour ments accord a vn temps. Mes entant que le performance ſerra apres, & iſſint le choſe fuit ſait, remaine a faire, ceo agreement ſerra dit executorie. Et ceo le ſtatute 26. H. 8. cap. 3. proue, ou il dit, que cheſcun Vicar, Parſon, & tiel &c. deuant lour actual poſſeſſion ou medling oue les p̄fits de lour benefice ſatiſfiera, contēt, &c. ou agreera a payer al vſe le Roy les primer fiuits &c. Et ſi

aſcun

aſcun tiel Parſon, vic' &c. enter en actual poſſeſſion, &c. ceo agreement eſt dée entende executory, come le common vſage proue, car eſt vſe, que il oue vn ou ij. oue luy faiet deux vel trois obligations pur ceo deſtre pay en certain iours aps, & ceſt agreement executory, eſt deuide en deux poynts. Vn eſt agreement executorie, que eſt certain al commencemẽt, coñ eſt dit darreyn deuãr del priñ fruitz.

Lauter eſt lou le certaintie nappiert al primes & les parties lõt accords que le choſe ſerra performe, ou pay ſur le certaintie conus, come ſi vn vend al auter tout ſon wheat en tiel taſſe en ſon barne nient threſh, & il eſt agree parenter eux, que il payera pur cheſcun buſhell 12 d. quaunt il eſt threſh, cleane, & meaſure.

any ſuch Parſon or vicar, &c. enter in actuall poſſeſſion, &c. this agreement is to bee vnderſtood executory as ꝯ cõmon vſe proues, for it is vſed that he with one or two with him, doe make two or three obligations for it to bee paied at certain daies after, & this agreemẽt executory is diuided into two pointes. One is an agreement executory which is certain at ꝯ beginning, as is ſaid laſt before of the firſt fruits.

The other is where the certaintie doth not appere at the firſt, and the parties are agreed that the thing ſhall be performed or paid vpon ꝯ certainty knowen, as if one ſell to another al his wheat in ſuch a taſſe of his barn vnthreſhed, & it is agreed between thẽ, ꝯ he ſhal pay for euery buſhel 12. d. when it is threſhed cleane & meaſured.

35 Ayde.

AYde, eſt quaunt tenaunt a terme de vie, tenaunt en dower, tenaunt per le curteſie, ou tenant en taile aps poſſibiltie diſſue ex-

Ayde.

AYde, is when a tenant for terme of life, tenant in dower, tenãt by curteſie, or tenant in tayle after poſſibility of iſſue extinct

tinct is impleaded, the for that they haue no estate but for terme of life, they shall pray in ayde of him in the reuersion, & proces shall be made by writt against him to come & plead with the tenant in the defence of the land if he will, but it behoueth that they agree in the plee, for if they vary, the plee of the tenāt shalbe taken, and then the aide prayer is voide: but if hee come not at the second writ, then the tenant shall answere sole.

Also tenant for terme of yeares, tenant at will, tenant by Elegit, & tenant by statute marchant, shall haue aid of him in the reuersion, & the seruant and bayly of their master, whe they haue done any thing lawfully in the right of their master, shal haue aid.

tinct est emplede, donques pur ceo que ils nont que estate pur terme de vie, ils prieront aide de cestuy in le reuersion, & processe serra fait p briefe vers luy, de vener & pleder oue le tenaunt, en defence del terre si voyle, mes il couiert, que ils accorde en plee; car sils varie, le plee le tenaunt serra prise, & donques leyde pryer est en vaine: mes si ne vient al second briefe, le tenaunt respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant per statute marchant aueront ayde de cestuy en la reuersion, & le seruant & bayly de lour Master, quāt ils ont fait ascun chose loialment, en le droit lour master, aueront ayde.

36 Ayde de roy.

AId of the king, is in like case as it is said before of a common person, and also in many other cases where the king may haue losse, although that the tenant bee tenant in fee

Ayde de Roy.

AIde de Roy, est en semble case come est dit deuant de common person, & auxy en plusors auters cases, lou de Roy puit auer perde, coment, que le tenaunt soit tenaunt in fee

simple

ſimple, il auera aide, come ſi vn rent ſoit demaunde vers tenant le Roy, que tient en chief, il auera aide, et iſſint nauera de auter perſon.

Auxy lou vn Citie ou Bourough ad vn fee farme del Roy, & aſcun choſe eſt demaund vers eux que apperteigne al fee farme, ils aueront ayd p̄ le perde le roy.

Auxy home auera ayde de roy en lieu de voucher. Auxy le Bailife, Collector, et Purueior del Roy aueront ayde del Roy, auxy bien come les officers de auters perſons.

simple, he ſhall haue aide as if a rent be demanded againſt the kings tenant, which holdeth in chiefe, he ſhal haue aide, & ſo he ſhal not of a common perſon.

And where a Citie or Bozough hath a fee farm of the king, and any thing be demãded againſt them which belongeth to ꝑ fee farme, they ſhal haue aide for the loſſe of the king.

Alſo a man ſhal haue aid of the king in the ſteed of voucher. Alſo the kings Bailife, ꝑ Collector, and Purueior ſhall haue aide of the King, as well as the officers of other perſons.

37 Aiel.

Aile, eſt vn brieſe que giſt lou terre deſcende de layel a ſon nephew, viz. fitz, ou file del fitz de layel, le pier eſteaunt mort, deuaunt entrie per luy, et vn abate, le heire auera vers le abatour cel brieſe.

Aile.

Aile, is a ſwzit which lieth where land diſcendeth from the grãdfather to his nephewes, s. ꝑ ſon, or daughter of the ſon of the grãdfather, the father being dead before the entrie by him, & one abateth, ꝑ heire ſhal haue againſt the abator this ſwzit.

28 Alien.

Alien, eſt celuy que pere & il ñ fuer ambideux

Alien.

Alie, is he whoſe father and himſelfe were both bozne

ome out of the kings le-
iance, and if such an alien
eing none of the K. ene-
mies, but an alien friend
ome and dwel here in in
England, and haue issue,
this issue is not alien but
English. So if an Eng-
lish man goe ouer the seas
with the king Licence e
here hath issue, this issue
s no alien.

19 Alienation.

A Lienation, is as much
so say, as to make a
thing an other mans, or to
lter or put the possession
f lands or other things
rom one man to an other.

20 Ambidexter.

A Mbidexter, is hee that
when a matter is in
uit betweene men, taketh
money of the one side e of
the other, either to labour
the suit, or such like, or if
he be of the Iurie, to say
his verdict.

21 Amendement.

A Mendement, is when
error is in the Proces,
the Iustices may amend
it after iudgement. But if
there be error in giuing of
iudgement, they may not
amend it, but the party is

nee hors del legiance le
Roy, & si tiel alien nestea-
ant vn enemie del Roy,
mes vn alien amy vient &
demurr cy en Engleterre,
& ad issue, cest issue nest
alien mes Anglois, Issint
si vn Anglois ala ouster le
mere oue le licence del
Roy, & la ad issue, cest issue
nest alien.

Alienation.

A Lienation, idē est quod
alienū facere, ou de al-
ter, ou mitter le possession
de terre ou auter chose de
lun home al auter.

Ambidexter.

A Mbidexter, est celuy
que quāt vn matter est
en suit perenter homes,
prist money de lun part &
del auter, ou pur labour le
suit, ou tiels semblables, ou
si soit del Iurie, pur dire sō
verdict.

Amendement.

A Mendement, est quant
errour est en le proces,
les Iustices poient ceo a-
mender apres iudgement.
Mes si error soit en iudge-
ment done, ils ne poient a-
mēder ceo, mes le party est

mis

mis al briefe de Errour, Et en plusours cases lou le default appiert en le clerke que escriera la Record serra amende: Mes tiels choses que vient per information del partie, cõe le ville, misterie, & huiusmodi ne serra amende, car il doit informer veray a son peril.

42 Amercement.

AMercement, pluis properment est vn penaltie assesse per les peeres ou pares del partie amercie, pur vn offence fait, come pur default de suit de court, ou pur non amend' de ascun chose que il fuit appoint de redresser deuant, ou pur tiel semblable cause, en quel case la partie que offende soy mist en le mercie del Roy ou Seigniour, & sur ceo cel penaltie est appelle Amercement.

43 Amercement royal.

AMercement royal, est quant vn Vicont, Coroner, ou auter tiel officer del Roy est amercie per les Iustices pur son misdemeaning en le office. Quære si ne serra dit fine.

put to his writ of Erro
And in many cases wher
the default appeareth in
clerk that writ the reco
it shall be amended: Bu
such things as come b
information of the partie
as the towne, misterie,
such like, shal not be amer
ded, for hee must informe
true vpon his peril.

Amercement.

AMercement, most pro
perly is penalty a asse
sed by the peeres or equals
of the partie amerced, fo
an offece done, as for lack
of suit of Court, or for no
amending of some thing
that he was appointed t
redresse by a certaine tim
before, or for such like
cause, in which case, th
party which offendeth pu
teth himselfe in the merc
of the King or Lord, an
thereupon this penalty i
called Amercement.

Amercement royal.

AMercement royal, is
when a Shirife, Coro
ner, or other such Officer
of the King is amerced by
the Iustices for his abuse
in the office. Learne if it
shall not be said a fine.

An,

An,iour,& wast.

AN,iour,& wast,is a forfeiture whē a man hath committed petit treasō or felony,& hath lands which he holdeth of some commō person which shalbe seised for the K. and remaine in his hands by the space of one yere & a day next after the attainder,& thē trees shalbe digged vp, the houses shall be raced & pulled downe,and the pastures & medowes tired & plowed vp,so that he to whom the lande should come by escheate or forfeiture doe not redeem it of the K.a thing the more to grieue the offendors & terrifie others to fal into ỹ like, in shewing how the law doth detest their offence, so farre forth as that it doth execute iudgement & punishment euen vpon their dūb and dead things.

An,iour,& wast:

AN,iour, & wast, est vn forfeiture,quant vn hōe ad fait petit treason ou felonie,& ad terres queux il tient de ascun common person queux serra seisi pur le Roy, & remayne en son maynes per la space de vn an & vn iour procheyn apres le attainder, & donques les arbres serront defosse, les measons serront rases,& les pastures, & pes ayres & plowed, sinon que il a que le terre deuenera per leschete ou forfeiture, ne ceo redeem de Roy:vn chose le pluis de greeuer le offendors & terrifie auters de cader en autiel, en demonstraunce,coment le ley detest lour offence, cy auaunt issint que il execute iudgement & punishment sur lour mute &mort choſez.

45 Annuitie.

ANnuitie, is a certaine summe of money granted to another in Fee simple, Fee tayle,for terme of life,or for terme of yeares, to receiue of the graunt or

Annuitie.

ANnuitie , est vn certain summe de money grant al vn auter, en Fee simple, Fee tayle , pur terme de vie,ou pur terme de ans, a receiuer del graūtour ou

ou ſes heires, iſſint que nul franktenement eſt charge de ceo, de que home nauer vnques Aſſiſe ne auter action, forſque briefe de Annuitie, & neſt aſcun aſſets al heire le grauntee a que il diſcendera.

46 Appeale.

APpeale, eſt lou vn ad fait murder, robbery, ou mayhem, donques la feme ceſtuy que eſt tue, auera vn action de Appeal vers le murderer, mes ſil nad feme, donques ſon procheine heire male auera le appeale a aſcun temps deins lan & iour apres le fact. Et auxy ceſtuy que eſt iſſint robbe ou maymed auera ſon appeale, & ſi le defendant ſoyt acquite, il recouera damages vers le appellour & labbettours, & ils aueront le impriſonment dun an, & ferra fine al Roy. Appeale de mayhem neſt en maner forſque action de treſpaſſe, car il ne recouera forſque damages.

47 Appellant.

APpellant eſt le plaintiſe en le appeal,

or of his heires, ſo that no freehold is charged therewith, whereof a man ſhall neuer haue aſſiſe nor other actiõ, but a writ of Annuitie, and it is none aſſets to the heire of the grantee to whom it ſhall diſcend.

Appeale.

APpeale, is where one hath done murder, robberie, or mayhem, then the wife of him that is ſlaine ſhall haue an action of appeale againſt the murderer, but if he haue no wife, then his next heire male ſhal haue the appeale at any time within a yere and a day after the deed. And alſo he that is ſo robbed, or maymed, ſhall haue his appeale, and if the defendant be acquited, he ſhall recouer damages againſt the appellor & the abbettors, and they ſhall haue the impriſonmẽt of a yeare, and ſhall make fine to the King. In appeal of mayhem is in manner but a treſpas, for he ſhall recouer but damages.

Appellant.

APpellant is the plaintif in the appeal.

Ap-

48 Appellour.

APpellour or Approuer, is he who hath cōmitted some felony which hee confesseth & now appealeth or approueth, ẏ is to say, accuseth others which were coadiutors or helpers with him in doing the same, or other felonies, which thing hee will approue, and therfore is called in Latin Probator.

49 Appendant & Appurtenant.

APpendant & Appurtenant, are things ẏ by time of prescription haue belonged, appertained, & are ioyned to an other principal thing, by which they passe & goe as accessary to the same principal thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, waies, courts, and diuers such like, to a mannor, house, office, or such others.

50 Apporcionment.

APporcionment is a diuiding into parts of a rent (which is diuideable & not intier, or whole) and forasmuch as ẏ thing out

Appellour.

APpellour ou approuer, est cesty que ad fait ascun felonie le quel il confesse & a ore appeale, ou approue, cest adire, accuse auters que fueront coadiutors ou aiders oue luy en fesans de ceo, ou auters felonies, le quel chose il voile approuer, & pur ceo est appel en Latin Probator.

Appendant & Appurtenant.

APpendant & Appurtenant, sont choses que per temps de prescription ont belong, appertaine, & sont ioyne al vn auter principal chose, ouesque que ils passont & va come accessarie al mesme principal chose, per vertue de ceux parolx Pertinentijs: come terre, aduowsons, cōmōs, piscaries, chimins, courts, & diuers tielx semblables, al vn manor, meason, office, ou tiels auters.

Apporcionment.

APporcionmēt est vn deuiding en partes de vn rent (le quel est deuideable & niēt intier ou whole) & entant que le chose hors

de quel il fuit deſte pay, eſt ſeperate & deuide, le rent auxy ſerra deuide, ayant reſpect a les partes. Si come vn home ad vn rent ſeruice iſſuant hors de terres, & il purchaſe parcel de le terre, le rent ſerra apportion, accordant al value del terre.

Iſſint ſi home tient ſon terre dun auter p homage, fealtie, eſcuage, & certaine rent, ſi le Seignior de que le terre eſt tenus purchaſe parcel del terre le rent ſerra apportion.

Item ſi home leſſa terres pur ans reſeruant rent & apres vn eſtrange recouer part de le terre, donques le rent ſerra apportion, ceſt adire deuide, & le leſſee payera ayant reſpect a c' que eſt recouer, & a ceo que ore remaine en ſes maines accordāt al value.

Mes vn rent charge ne poit eſtre apportion ne choſes que ſont entier: Si come vn tient terres per ſeruice de payer a ſon Seignior annuelmēt a tiel feaſt, vn chiuale, elperuer, vn roſe, vn chery, ou tiels ſemblables, la ſi le Seign

of which it was to be paied, is ſeperated & diuided, the rent alſo ſhall be deuided, hauing reſpect to the parts. As if a man haue a rent ſeruice iſſuing out of land, & he purchaſeth parcell of the land, ꝑ rent ſhal be appoꝛcioned, accoꝛding to the value of the land.

So if a man holde his land of another by homage, fealtie, eſcuage, and certain rent, if the Lord of whom the land is holden, purchaſe parcel of ꝑ land ꝑ rent ſhalbe appoꝛtioned.

Alſo if a man let lands foꝛ peres reſeruing rent, & after a ſtranger recouereth part of the land, then the rent ſhall be appoꝛtioned, ꝑ is to ſay, deuided, & the leſſee ſhall pay hauing reſpect to that which is recouered, & to that which yet remains in his hands accoꝛding to the value.

Vnto a rent charge cannot bee appoꝛtioned, noꝛ things ꝑ are entire: as if one hold lande by ſeruice to pay to his Lord yearely at ſuch a feaſt, a Hoꝛſe, a Hauke, a Roſe, a Chery, oꝛ ſuch like, there if the L.

pay-

purchaſe parcel of the lād, this ſeruice is gone altogether, becauſe a Horſe, a Hauke, a Roſe, a Cherie, and ſuch other cannot bee diuided, ſeuered, or appoꝛtioned, without hurt to ꝯ whole.

51 Appropriations.

APpropiatiōs were whē thoſe houſes of the Romiſh Religion, and thoſe Religious perſons, as Abbots, Priors, and ſuch like, had the aduowſon of any Parſonage to them & to their ſucceſſoꝛs, & obtained licence of their holy Father the Pope, and of the Ordinarie and King, that they themſelues, and their ſucceſſoꝛs frō thence forth ſhould bee Parſons there, and that it ſhall bee from thenceforth a Vicarage, and that the Vicar ſhall ſerue the cure. And ſo at the beginning appꝛopriations were made only to thoſe perſons ſpirituall that could miniſter the Sacraments, and ſay diuine ſeruice, as Abbots, Priors, Deanes, & ſuch like. After by little & little they were inlarged and

purchaſe parcel de la terre ceſt ſeruice eſt tout ale, pur ceo que vn chiual, eſperuer, roſe, ou vn cherie, & tielx autes ne poient eſtre deuide, ſeuered, ou apportion, ſans damage al entiertie.

Appropriations.

APpropriations fueront quant ceux meaſons de le Romiſh Religion, & ceux Religious perſons, come Abbots, Priors, & tielx ſemblables, auoient le aduowſon de aſcun Parſonage al eux & a lour ſucceſſours, & obtaine licence de lour S. Pere le Pape, & de le Ordinarie & Roy, que ils meſmes & lour ſucceſſours de ceo en auant doient eſte Parſons la, & il ſerra en auaunt vn Vicarage, & que le Vicar ſeruera le cure. Et iſsint al commencement Appropriations fueront faits ſolement a ceux perſons ſpirituals, que puiſſoient miniſter les Sacraments, & dire diuine Seruice, come Abbes, Priors, Deanes, & tielx ſemblables. Apres per petite & petite ils fueront enlarge &

ait as auters, come nosmemēt al Deane & Chapter, quel est corps corporat, consistīg de plusors, quel corps ensemble ne puissont dire diuine seruice, & que pluis fuit, al Nuns que fueront Prioresses de ascun Nunrie, quel fuit chose horible, entant que ils ne puissoient minister Sacramēts, ne preach, ne dire diuine seruice al parochians.

made to other, as namely to a Deane and Chapter, which is a bodie corporat, consisting of many, which bodie together could not say diuine seruice, & that more was, to Nuns that were Priorresses to some Nunry, which was a wicked thing, insomuch as they could neither minister Sacraments nor preach, nor say diuine seruice to the parishioners.

Et tout ceo fuit sur pretence de hospitalitie & maintenance de ycel. Et de supplier cel defectes vn Vicar fuit deuise, quel serroit deputie al Proces, ou Deane & Chapter, & auxy al darreine al dit Abbes, & auters a dire diuine seruice, & il aueroit pur son labour sorlque petite portion, & ils a quel le appropriations fueront fait reteigneront le graūd reuenues, & ils sesoient riens pur ceo, per meanes de quel hospitalitie decaie en le lieu ou il doit estre chiefement garde, nosmement en le Parish ou le benefice fuit, & ou les

And all this was vpon pretence of hospitalitie & maintenance thereof. And to supplie these defects a Vicar was deuised, who should bee Deputie to the Priors, or to the Deane and Chapter, & also at the last to the said Abbots, & others to say diuine seruice, & should haue for his labor but a little portion, & they to whō the appropriations were made should retaine ꝑ greater reuenues, & they did nothing for it, by meanes wherof hospitality decaied in ꝑ place where it oughtto haue bin chiefly maintained, namely in the parish where the benefice was, & where the pro-

profits did growe, and so it continued to this day, to the great hinderance of learning, to the impouerishment of the ministery, and to the infamie of the Gospell, and professours thereof.

The Vicar shall haue a certaine portion of ꝑ benefice, and the Abbot and the Couent shall be Parsons, & shal haue the other profits: This is called appropriation, & then the Abbot and Couent shall be Parsons imparsonees. But such Appropriation may not be made to begin in the life of the Parson without his assent.

But if such aduowsons of the Parsonage be recouered by ancient title, thē the Appropriation is adnulled. And it is called Appropriation, for that they hold the profits to their owne proper vse.

52 Approuement.

A Pprouement, is where a man hath common in the Lords wast ground, and the Lord incloseth part of the wast for himselfe, leaving neuertheles

profits cressoient, & issint il continue tanque a cest iour, al graund hinderance de erudition, al impouerishment de le Ministerie, & le infamie de le Gospell, & le professours de ycel.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent serront Parsons, & aueront les auters profits: Cest appelle vn appropriation, & donques le Abbe & le Couent serront Parsons imparsonees: Mes tiel appropriation ne poit estre fait a commencer en le vie le Parson sans son assent.

Mes si tiel Aduowson del parsonage soit recouer per auncient title, dōques lappropriation est adnulle. Et est appel Appropriation, pur ceo que ils teigne les profits al lour proper vse.

Approuement.

A Pprouement, est lou vn home ad cōmon en le wast terre del Seignior, & le seignior enclose part del wast terr pur luy mesme, relinquishant nient obstāt

ſufficient common due egreſſe & regreſſe pur les commoners : Ceſt encloſure eſt appel approuemẽt.

ſufficient common with egreſſe & regreſſe for the commoners. This incloſing is called approuemẽt.

53 Arbitrement.

ARbitrement, eſt vn award, determination, ou iudgement. quel vn ou pluſours font al requeſt de deux parties al meines, pur, & ſur aſcun dette, treſpaſſe, ou auter controuerſie ew perenter les dits parties. Et ceſt appel en Latin Arbitratus, & Arbitrium, & ils que font le award ou arbitrement ſont appel Arbitri, en Anglois Arbitrators.

Arbitrement.

ARbitrement, is an award, determination, or iudgement, which one or moe maketh at the requeſt of two parties at ỹ leaſt, for, & vpõ ſome debt, treſpas, or other contrauerſie had between ỹ ſaid parties. And this is called in Latin Arbitratus & Arbitrium, and they that make the award or arbitrement are called Arbitri, in Engliſh Arbitrators.

54 Arreſt.

ARreſt, eſt quant vn eſt [illegible] & reſtraine a ſon libertie. Nul ſerra arreſt pur det, treſpaſſe, detinue, ou auter cauſe de action, [illegible] per vertue dun precept, ou commaundement hors de aſcun court. Mes pur Treaſon, Felonie, ou debruiſer del peace, cheſcun home ad auctoritie de arreſter ſans garrantie ou precept. Et lou vn ſerra arreſt pur felony, il couient que aſcun felo-

Arreſt.

ARreſt, is when one is takẽ & reſtrained from his libertie. No one ſhall be arreſted for dette, treſpas, detinue, or other cauſe of action, but by vertue of a precept, or commandemẽt out of ſome court. But for Treaſon, felonie, or breaking of ỹ peace, euery mã hath authoritie to arreſt without warrant or precept. And where one ſhall be arreſted for Felonie, it behooueth ỹ ſome Felonie

nie bee done, and that hee be ſuſpected of the ſame felonie, or other wiſe he may haue againſt him that ſo did arreſt him, a writ of falſe impriſonment. And when any man ſhall bee arreſted for Felony, hee ſhal be brought to ỹ gaile, there to abide vntill the nert Seſſions for to bee indicted, or for to bee deliuered by proclamation.

55 Arrerages.

ARrerages are duties behind vnpaied after the daies and times in which they were due, and ought to haue bin paid whether they be rent of a manor or any other thing reſerued.

56 Aſſets.

ASſets is in two ſorts, the one called (aſſets p diſcent) the other (aſſets enter maines.) Aſſets per diſcent is where a man is bound in an obligation, & dyeth ſeiled of lands in fee ſimple, which diſcend to his heire, then his land ſhalbe called aſſets, that is to ſay, enough or ſufficient to pay the ſame debt, & by that meanes the heire ſhall be charged as farre as the

nie ſoit fait, & que il ſoit ſuſpect de meſme le felonie, ou auterment il poit auer enuers luy que iſſint luy arreſt vn briefe de faux impriſonment. Et quaunt aſcun home eſt arreſt pur Felonie, il ſerra ameſne a le gaile, la a demurrer tanque al prochin Seſſion pur eſte indicte, ou pur eſte deliuer per proclamation.

Arrerages.

ARrerages ſõt duities arrere nient pay apres le iours & temps, en quel ils fueront dues, & doyent auer eſtre paies, ſoyent ils rent de mannor, ou aſcun auter choſe reſerue.

Aſſets.

ASſets eſt en deux ſortes lun appel (Aſſets per diſcent) lauter (Aſſets enter maines) Aſſets per diſcende a luy vn home eſt oblige, en vn obligation & moruſt ſeiſy de terres de fee ſimple, queux diſcende a ſon heire, donques ceſt terre ſerra appel aſſets, ceſt adire ſufficient de payer ceſt dette & per ceſt meanes le heire ſera charge cy auaunt que le

terre issint a luy discendo voyle stretch, mes sil ad alien deuaunt que le obligation soit mise en suite, il est discharge.

Auxy quaunt vn home seisi de terre en tayle, ou en droit de son feme, alien ceo oue garrantie & ad en value taunt terre é fee-simple, que discende a son heire, que est auxy heire en taile ou heire al feme: Ore si le heire apres le mort son ancestor port vn briefe de Formedon ou sur cui in vita, pur le terre issint alien, dõques il serra barre per reason dun garranty & le terre issint discend que est tant en value come ceo que fuit vende, & issint per ceo il nad receiue ascũ preiudice, & pur ceo cest terre est appel Assets per discent.

Assets enter mains est quaunt vn home ender, come deuant est dit, fait executors & relinquist a eux suffic' de payer, ou ascun commodity ou profit est venus al eux en droit lour testatour, cest appel Assets en lour maines.

land so to him discended will stretch. But if hee haue aliened before ẏ obligation be put in suite he is discharged.

Also when a man seised of lands in tayle, or in the right of his wife alieneth the same with warrantie, & hath in value as much lands in fee simple, which discẽdeth to his heire, who is also heir in taile or heir to the woman: Now if the heire after the decease of his ancestor bring a writ of Formedon or sur cui in vita, for the lãd so aliened, then he shal bee barred by reason of the warrantie and the land so discended, which is as much in value as that was solde, & so therby he hath receiued no preiudice, & therefore this land is called Assets ꝑ discent.

Assets enter maines, is when a man indebted, as before is said, maketh executors, & leaueth to them sufficient to pay, or some cõmodity or profit is come vnto thẽ in right of their testatour, this is said Assets in their hands.

57 Assignee.

ASsignee, is he to whom a thing is appointed or assigned to bee occupied, paid or done, & is aswales such a person which occupieth or hath ꝑ thing so assigned in his own right, & for himselfe: & of assignees ther be two sorts, namely Assignee in deed & assignee in law. Assignee in deede is when a Lease is granted to a man & to his assignes or without those words, assignes, and the graunte graneth, granteth or selleth ꝑ same lease to another, he is his Assignee in deed. Assignee in law is euery executor named by ꝑ testator in his testamēt. As if a lease be made to a mans & to his assignes (as is afore said) & hee maketh his executors, and dieth without assignment of the lease to any other. Now ꝑ executors shall haue the same lease, because they are his assignees in law. And so it is in other cases.

Assignee.

ASsignee est celuy a que vn chose est appoint, ou assigne deste occupie, pay ou fait, & est toutes sorts tiel person, que occupy ou ad le chose issint assigne en son droit demesne & pur luy mesme: Et de Assignees il y sont ij. sorts, nosment, Assignee en fait, & Assignee en ley. Assignee en fait est quant vn Leas est graunt al vn & a ses Assignees ou sans ceux pols, Assignees, & le grantee done, graunt ou vende le dit Leas al auter, il est son Assignee en fait. Assignee en le ley est chescun executor nosme per le testatour en son testament: si come vn Leas soit fait al vn home & a ses Assignees (si come est auant dit) & il fait ses executors & moruſt sans assignment del Leas al ascun aut̄. Ore les executors aũa m̄ le Leas pur c' que ils sōt ses Assignees en ley. Et issint est en auters semblables cases.

58 Assise.

ASsise, is a writ and it lieth where any mā is put out of his landes or

Assise.

ASsise est vn briefe & gist ou ascun home est mis hors de son terre ou tene-

tenemẽts ou de aſcun profit aprender ẽ certain lieu, & iſſint diſſeiſi de ſon frãktenement. Franktenement a aſcun home eſt lou il eſt ſeiſi de terres ou tenements ou profit a prender in fee ſimple, fee taile, pur terme de ſon vie demeſne, ou pur terme dauter vie. Mes tenaunt per Elegit, tenaunt per ſtatute Marchant & ſtatut Staple poient auer aſſiſe, comẽt que ils nont franktenement, & ceſt eſt ordaine per diuers ſtatutes.

Auxy en Aſſiſe il couient touts foits que il ſoit vn diſſeiſor & tenaunt, ou autrement le briefe abatera.

Auxy ou vn home eſt diſſeiſie & recouera per aſſiſe de nouel diſſeiſin, & puis eſt auterfoits diſſeiſi per meſme le diſſeiſor, il auera vers luy vn briefe de rediſſeiſin directe al vicount de fayre inquiſition, & ſi troue ſoit le rediſſeiſin, il ſerra mis en priſon. Auxy ſi home recouera per Aſſiſe de Mortdaunceſter ou per auter Iurie, ou per defaut ou

tenements, or of any profit to be taken in a certain place, & ſo diſſeiſed of his freehold. Freehold to any man is where hee is ſeiſed of landes and tenements or profit to be taken in fee ſimple, fee taple, for term of his owne life, or for terme of another mãs life. But the tenant by Elegit, tenant by Statute marchant & ſtatute ſtaple may haue aſſiſe, howbeit that they haueno freehold, and this is ordeined by diuers ſtatutes.

Alſo in an Aſſiſe it is needful alwaies that there be one diſſeiſor and one tenant, or otherwiſe ỹ writ ſhall abate.

Alſo where a mã is diſſeiſed & recouereth by aſſiſe of nouell diſſeiſin & afterward is again diſſeiſed by the ſame diſſeiſor, hee ſhall haue againſt him a writ of rediſſeiſin directed to the Sheriffe to make inquiſition, & if the rediſſeiſin bee found, hee ſhall bee ſent to priſon. Alſo if one recouer by aſſiſe of Mort. or by other Iury or default or by

red-

reddition, and if hee be an other time disseised, then he shal haue a writ of Post disseisin, & he which is taken emprisoned for rediseisin, shal not be deliuered without special cõmandement of the King. See the statutes thereof, Merton cap. 3. Marlebridge cap. 8. and Westminster 2. ca. 16. There is also an other assise called Assise of fresh force, & lyeth where a man is disseised of tenements which are deuisable, as in the Citie of London, or other boroughs or townes that be Franchises, then the defendant shall come into the Court of the said towne, & enter his plaint, and shall haue a writ directed to the Maior, or Baylifes, &c. and thereupon shall passe a Iurie, in maner of Assise of nouel disseisin. But it behoueth that he doenter his plaint within fortie dayes, as it is said, or otherwise, hee shal be sent to the common law. And if the Officers delay the execution, then the plaintife shall haue an other writ to haue execu-

reddition, & sil soit auterfoits disseisie, il auera donques vn briefe de Post disseisin, & cestuy que est pris & imprison pur rediseisin, ne serra deliuer sans especial commaundement le Roy. Vide les estatutes inde Merton cap. 3. Marlebridge cap. 8. et Westminster 2. cap. 26. Auxy il est vn auter Assise appel Assise de Fresh force, & gist lou home est disseisie de tenements queux sont deuisables, come en le Citie de Loundres, ou auter Boroughes, ou villes, que sont enfraunchises, donques le defendant viendra en le Court de dit ville, & entra son plaint, & auera vn briefe direct al Maior, ou Baylifes, &c. & sur ceo passera vn Iurie, en maner de Assise de Nouel disseisin. Mes il couient que il enter son pleint deins quadragint iours, vt dicitur, ou autrement il serra mise a le commen ley. Et si les ministers delaie executions, donques le plaintife auera vn auter briefe dauer execution,

tion, Et Sicut alias, & vn Pluris &c. Vide *Littleton* cap. Rents, Aſſiſe eſt noſme equiuocum &c.

59 Aſſiſe de Darreine preſentment.

ASſiſe de Darreine preſentment, vide de ceo apres tit Quare impedit.

60 Aſſiſe de Mordaunceſter.

ASſiſe de Mordaunceſter, vide de ceo apres titulo Coſinage.

61 Attainder.

ATtainder, eſt vn conuiction daſcũ perſon, dun crime ou fault, dont il ne fuit conuict deuant, ſicome vn home fait felonie, treaſon, ou tiel ſemblables, & de ceo eſt endict, arraigne, & troue guilty & ad iudgement, donques il eſt dit deſte attaint, & ceo poit eſte deux voies, lun ſur apparance, le auter ſur default: le attainder ſur apparance eſt per confeſſion, battaile, ou verdict, le attainder ſur default eſt per proces tanque il ſoit vtlage.

62 Attaint.

ATtaint, eſt vn briefe, & giſt lou faux verdict

tion, And a Sicut alias, & a Pluries &c. See Litt. cap. Rents, Aſſiſe is a word of two ſignifications, &c.

Aſſiſe de Darreine preſentment.

ASſiſe de Darreine preſentmẽt, looke therof in the title Quare impedit.

Aſſiſe de Mordaunceſter.

ASſiſe de Mordaunceſter, looke thereof in the title Coſinage.

Attainder.

ATtainder, is a conuiction of any perſon of a crime or fault, whereof he was not cõuict before, as if a man haue committed felonie, treaſon, or ſuch like, & thereof is indicted, arraigned, & found guilty, & hath iudgement, then he is ſaid to be attainted, and this may bee two waies, the one vpõ apparance, & other vpon default: the attainder vpon apparance is by confeſſion, battaile, or verdict, the attainder vpon default is by proces vntill he be outlawed.

Attaint.

ATtaint, is a writ, & lyeth where falſe verdict

is

is giuen by twelue men, & iudgement giuen thereon, that the partie against whom they haue passed, shall haue a writ against the twelue men, and whē they be at issue it shall bee tried by 24. Iurors, and if the false verdict be found, the twelue men be attaint, and then the iudgement shall bee, that their meadowes shal be eyzed, their houses brokē down, their woods turned vp, and al their landes & tenements forfeited to the King, but if it passe against him that brought that attaint, hee shall be imprisoned, & grieuously ransomed at the K. will. See the stat. 23. H. 8. ca. 3. Attaint also is when iudgemēt is giuē in treason or felony.

63 Attournement.

ATtournement is when one is tenant for terme of life, and he in reuersion or remainder grāteth his right or estate to an other, then it behoueth the tenāt for terme of life to agree thereto, and this agreemēt is called an Attourn-

est done per xij homes, & iudgement done sur ceo, donques le partie vers que ils auoyēt passe auera cest briefe vera les douze hōes, & quant ils sont a issue, il serra trie per vint quater lurors, & si faux verdict soit troue, les douze lurours sont attaint, & donques le iudgemēt serra que lour prees serront ayres, lour measons debruses, lour boyes subuertes, & touts lour terres & tenements forfait al Roy, mes si passa encounter celuy que port cest Attaint, il serra imprison, & grieuousment ransome al volunt le Roy. Vide le Statute 23. H. 8. cap. 3. Attaint auxy est quant iudgement est done en treason ou felonie.

Attournement.

ATtournement, est quāc vn est tenant pur terme de vie, & cestuy en le reuersion ou remaindr granta son droit ou estate a vn auter, donques il couient que le tenant pur terme de vie agree a ceo, & cest agreemēt est appel attourn-

ment,

ment, car ſi ceſtuy en le reuerſion graunt ſon eſtate & ſon droit a vn auter, ſi le tenant pur terme de vie ne attourna, riens paſſe per le graunt.

Mes ſil ſoit graunt per fine in Court de Record, il ſerra compell' de attourner. Et vide de ceo apres titulo, Quid iuris clamat. Vide pluis de ceo en *Litt. lib.3,cap.10.*

ment, for if he in the reuerſion graunt his eſtate & his right to an other, if tenant for terme of life attourne not, nothing paſſeth by the graunt.

But if it be graunted by fine in court of Record, he ſhall bee compelled to attourne. And looke there after in the title Quid iuris clamat. Looke more of this title in Litt. lib 3. c. 10

64 Audita querela.

AVdita querela, eſt vn brieſe, & giſt lou vn eſt oblige en vn eſtatute Marchant, eſtatute Staple, ou recogniſans, ou lou iudgement eſt done vers luy pur dette, & ſon corps en execution ſur ceo, donques ſil ad vn releas, ou auter ſufficient matter deſte diſcharge del execution, mes nad iour de c' pleder, donques il auera ceſt brieſe vers ceſtuy que ad recouer, ou vers ſes executors.

Audita querela.

AVdita querela, is a writ and it lieth where one is bound in a ſtatute marchant, ſtatute ſtaple, or Recogniſance, or where iudgemēt is giuē againſt him for debt, and his body in execution thereupon, then if he haue a releas, or other matter ſufficient to be diſcharged of executiō, but hath no day in Court there to plead it, then hee ſhall haue this writ againſt him which hath recouered, or againſt his executors.

65 Auerment.

AVerment, eſt lou vn home plede vn plee en

Auerment.

AVerment, is where a man pleadeth a plee in abate-

abatement of the writ or barre of the action, which hee saith hee is readie to proone as the Court will award, this offer to proue his plee is called an Auerment.

66 Auerpeny.

AVerpeny, that is to bee quit of diuers summes of money for the Kings auerages.

67 Auncient demesn.

AVncient demesne are certain tenures holden of those Mannors that were in the handes of S. Edward the Confessor, & the which hee made to bee written in a booke called Domes day, sub titulo Regis, and all the lands holden of the said Mannors bee auncient demesne, and the tenants shall not bee impleaded out of the said Mannors, and if they bee, they may shew the matter and abate the writ: but if they answere to the writ, and iudgement bee giuen, then the landes become franke fee for euer. Also tenaunts in auncient demesne, be free of tole for al

abatemẽt de briefe ou barr daction, quel il dist, il est prist de prouer come le Court voit agarde, cest offer de prouer son plee est appelle vn Auerment.

Auerpeny.

AVerpeny, hoc est quietũ esse de diuersis denarijs pro auerag ijs domini Regis.

Auncien demesne.

AVncien demesne sont certain tenures ten^{s} de ceux Manors queux fueront en maines de S. Edw. le Confessor, & les queux il fist escrier en vn lieur appelle Domes day, Sub titulo Regis, & touts les tertes ten^{s} del dit Manors sõt auncien demesne, & les tenãts ne serrort implede hors del dit Manors, & sils soient, ils ppient monstre le matter & abater le briefe, mes sils respond' al briefe & plede, & iudgemẽt done, donqs lez terres sont deuenus franke fee a touts iourz. Auxy touts tenants en auncien demesne sont franke de tolle, pur touts choses

choſes concernant lour viand & husbandry en auncien demeſne, & pur tiels terres ils ne ſerront mis ne empanel ſur aſcun enqueſt, Mes touts les terres en auncien demeſne queux ſont en maines le Roy, ſont franke fee & pledable al common Ley. Veies plus apres en le title Sokmans.

things concerning their ſuſtenance and huſbandry in auntient demeſne, and for ſuch landes they ſhall not bee put or impanelled vpon any inqueſt. But the lands in auncient demeſne, ỹ are in the Kings hands, bee franke fee and pleadable at the Common Law See more after in the title Sokmans.

AVowrie eſt lou vn priſt diſtreſſe pur rent ou auter choſe, & lauter ſua Repleuin, donques celuy que auoit ceo priſe iuſtifiera en ſon plee, pur quel cauſe il priſt ceo, & ſi il priſt ceo en ſon droit demeſne il doit ceo monſtre, & iſſint auowa le priſel & ceo eſt appel ſon auowrie. Mes ſil ceo priſt en ou pur le droit de vn auter, donques quãt il auoit monſtre le cauſe, il ſerra conuſance del priſel, come bailie ou ſeruant a celuy en que droit il priſt ceo.

AVowrie is where one taketh a diſtreſſe for rent or other thing, & the other ſueth repleuin, then he that hath taken it ſhall iuſtifie in his Plee, for what cauſe he took it, and if he tooke it in his owne right hee ought to ſhew that, and ſo auow the taking, & that is called his auowry: but if he tooke it in or for the right of another, then when hee hath ſhewed the cauſe, hee ſhall make conuſance of the taking, as baille or ſeruant to him in whoſe right hee did take it.

B.

69 *Baile.*

BAyle, is when a man is taken or arrested for felonie, suspition of felonie, indicted of felony, or any such case, so that hee is restreamed of his libertie. And being by law bayleable, offereth suerty to those which haue authoritie to bayle him, which suerties are bound for him to the Kings vse in a certaine summe of money, or bodie for bodie, that he shall appeare before the Iust. of Gaole deliuery at the next Sessions &c. Then vpon the bonds of these suerties as is aforesaid, he is bailed, that is to say, set at libertie vntill the day appointed for his appearãce.

B.

Baile.

BAyle, est quant vn home est prise ou arrest pur felony, suspition de felony, indicte de felony, ou ascun tiel case, issint que il est restrayne de son libertie. Et esteant per le ley baylable, offereth suertie al eux que ont authoritie de luy bayler, queux suerties, sont oblige pur luy al vse le Roy en certaine summe dargẽt, ou corps pur corps, que il appearera deuant les Iustices de Gaole deliuerie al procheine Sessions &c. Donques sur les bonds de ceux suerties, come est auãtdit, il est bayle, cest adire mis al libertie tanq; le iour appoynt pur son apparance.

70 *Bailement.*

BAylement, is a deliuery of things whether it be of writings, goods, or stuffe, to an other, sometimes to be deliuered back to ẏ bailor, that is to say,

Bailement.

BAylement, est vn deliuerie de choses, soyent ils de escripts, biens ou stuffe al auter, ascun foyts destre redeliuer arrere al baylor, cest adyre

al celuy que iſſint deliuer ceo, aſcun foits al vſe del baylee, ceſt adire, de luy a que il eſt deliuer, & aſcun foits auxy il eſt deliuer a vn tierce perſon, ceſt deliuerie eſt appel vn baylement.

to him that ſo delinered it, ſometimes to the vſe of ỹ bailee, that is to ſay, of him to whom it is deliuered, & ſometimes alſo it is deliuered to a third perſon, this deliuerie is called a bailement.

71 Baylife.

BAilife eſt vn Officer que appertient a vn mannor pur order le hul bandrie, & ad auctho̅itie de payer quite rents iſſuant hors del manor, ſuccider arbres, repayre les meaſons, faire pales, haies, diſtraine auers damage feſant ſur le terre, & diuers tiels ſemblables.

Ceſt officer eſt celuy que les auntient Saxons ount appel vn Reeue, car le noſme Bailife ne fuit donques conus enter eux, mes vient eins oue les Normans, & eſt appel en Latine Villicus.

Baylife.

BAylife, is an officer that belongeth to a mannor, to order the huſbandrie, & hath authoritie to pay quite rents iſſuing out of the manor, fell trees, repaire houſes, make pales, hedges, diſtraine beaſtes doing hurt vpon the grounde, and diuers ſuch like.

This officer is he who̅ the ancient Saxons called a Reeue, for the name Bailife was not yet knowen amongſt them, but came in with the Normans, and is called in Latine Villicus.

72 Backberind theefe.

BAckberind theefe, eſt vn laron que eſt priſe oue le maner, ceſt adire, aiant ceo troue ſur luy (eſteāt purſue

Backberind theefe.

BAckberind theefe, is a theefe that is taken with the maner, that is to ſay, hauing that found vpon him (being followed with

with the hue and crie) which hee hath ſtollen, whether it be money, lynnen, wollē, or other ſtuffe: but it is moſt properly ſaid, whē he is taken carrying thoſe things that he hath ſtollen in a bundell or fardell on his backe.

oue le hue & crie) le quel il ad emblee, ſoit il money, lynnen, wollen, ou auter ſtuffe: mes il eſt pluis properment dit, quant il eſt priſe portant tielx choſes que il ad emblee en vn bundel ou fardel ſur ſon dorſe.

73 Bargaine and ſale.

BArgain and ſale is whē a recompence is giuen by both the parties to the bargain: as if one bargain and ſell his land to an other for money, here the lād is a recōpence to him for the money, & the money is a recompence to the other for the land, & this is a good contract & bargaine, and fee ſimple paſſeth notwithſtanding hee doth not ſay to haue and to hold the land to him & to his heires. And by ſuch a bargaine and ſale lands may paſſe without liuerie of ſeiſin, if the bargaine & ſale bee by deede indented, ſealed & inrolled, either in the county where the land lyeth, or in one of the .iij. courts of record at Weſtminſt. within .vj. moneths

Bargaine & ſale.

BArgain & ſale eſt quant vn recompence eſt dōe per ambideux les parties al bargaine: come ſi vn bargaine & vend ſon terre al auter pur argent, icy le terre eſt vn recompence a luy pur le argent, & largent eſt vn recompence al auter pur le terre, & ceo eſt vn bone contract & bargaine, & fee ſimple paſſa nient obſtant il ne dit a auer & tener le tre a luy & a ſes heires. Et per tiel bargaine & ſale terres poient paſſe ſans liuerie de ſeiſin, ſi le bargaine & ſale ſoit per fait endent, ſeale & enrolle, ou en le Countie ou le terre giſt, ou en vn des Courts del Roy de Record al Weſtminſter deins ſize mois

prochein apres le date de mesme le escript endent, accordant al statute en ceo case fait en le 27. añ de H. 8.cap.16.

next after the date of the same writing indẽted according to the Statute in that behalfe made in the 27.ycare of H.8.cap.16.

74 Barre.

BArre, est quant le defendaunt en ascun action plede vn plee que est vn sufficient respons, & ceo adnul le action del plaintife a tout iours.

Barre.

BArre, is when the defẽdant in any action pleadeth a plea which is a sufficient answere, and that destroyeth the action of ẽ plaintife for euer.

75 Base fee.

TEner en Fee base, est a tener a volunt le Seigniour.

Base fee.

TO hold in Fee base, is to holde at the will of the Lord.

76 Bastard.

BAstard, est celuy que est nee de ascun feme nient espouse, issint que son pere nest conus per le order del ley, & pur ceo il est dit filius populi.

Mes per la ley del Romish Esglise, si vn engender vn enfant sur ascun feme, quel enfant est nee hors del espousels, & puis il spouse mesme la feme, donques tiel enfant serra dit Mulier, & nemy bastard.

Bastard.

BAstard, is hee that is borne of any woman not married, so that his father is not knowen by the order of the law, and therefore hee is called the childe of the people.

But by the law of the Romish Church, if one get a childe vpon a woman, which child is borne out of wedlocke, and after hee marrie the same woman, then such a child shal bee said Mulier, and not bastard.

But

But by the law of England he is a Baſtard, and for that cauſe when ſuch ſpeciall baſtardie is alleaged, it ſhall be tried by the Countrie, and not by the Biſhop. But generally baſtardie alleaged ſhal be tried by the certificate of the Biſhop.

And if a woman be great with child by her huſband who dieth, and ſhe taketh another huſband, and after the child is borne, this child ſhal be ſaid the child of the firſt huſband. But if ſhee were priuily with child at the time of the death of her firſt huſband, then it ſhal be ſaid ỹ child of the ſecond huſband. But enquire farther and ſee the opinion of Thorpe 21.E.3.39.

Alſo if a man take a wife which is great with child by another that was not her huſband, and after the child is borne within the eſpouſels, then it ſhall be ſaid the child of the huſband, though it were born but one day after the eſpouſels ſolemnized.

Mes per la ley Dengleterre il eſt baſtard, & pur ceſt cauſe quant tiel eſpecial baſtardie eſt alleage, il ſerra trie per le pais, et nemy per Leueſque. Mes generalment baſtardie alleage ſerra trie per le certificate del Eueſque.

Et ſi vn feme ſoit groſſe de enfant per ſon baron que moruſt, & il priſt auter baron, & apres le enfant eſt nee, ceſt enfant ſerra dit le infant le primer baron. Mes ſi el fuit priuement enſeint al tẽps del mort ſa primer baron, donques il ſerra dit le enfant de ſecond baron. Sed Quære & veies le opinion de Thorpe 21.E.3.39.

Auxy ſi vn home prent feme que ſoit groſſement enſeint per aſcũ auter que ne fuit ſon baron, & apres le enfant eſt nee deins les eſpouſels, donques il ſerra dit le enfant le baron, meſque il fuit nee forſque vn iour apres les eſpouſels ſolempnize.

77 Battaile.

BAttaile, eſt vn auncient trial en noſtre ley que le defendant en vn appeal de murder, robberie, ou felonie poit eſlier, ceſtaſcauoir, a combater oue lappellant, pur proofe ſil ſoit culpable del felonie ou non: quel combate ſil ſucceede cibien del part le defendant que il vanquiſh lappellant, il alera quite, & luy barrera de ſon appeal a touts iours. Mes ſi vn ſoit indict de felonie, & vn appeale eſt part ſur meſme le indictment, la le defendaunt ne gagera le battaile: Battaile auxy poit eſtre é vn brieſe de Droit.

Battaile.

BAttaile, is an auncient trial in our law, which the defendãt in an appeal of murder, robberie, or felonie may chuſe, that is to ſay, to fight with the appellant, for proofe whether hee bee culpable of the felonie or not: which combate, if it fall out ſo well on the part of the defendant that hee doth vanquiſh the appellant, he ſhall go quit, & barre him of his appeal for euer. But if one be indicted of felony, & an appeal is brought vpon the ſame indicment, there the defendant ſhall not wage battaile: Battaile alſo may be in a writ of Right.

78 Bigamy.

BIgamy, ſuit vn counterplee (deuiſed al Councel de Lions, ſur miſlike de ſecond marriage) eſte obiect quaunt le priſoner demaunde le benefit del Clergie, ceſtaſcauoir, ſon liuer, come noſmement a dire, que il que demaunde le priuiledge del Clergie, fuit marrie a

Bigamy.

BIgamy, was a counterplea (deuiſed at the Councell of Lions, vpon miſlike of ſecõd mariage) to bee obiected when the priſoner demaundeth the benefite of the Clergie, to wit, his book, as namely to ſay, ỹ hee which demãdeth the priuiledge of the clergy, was married to ſuch a wo-

a woman at such a place, within such a diocesse, and that shee is dead, and that hee hath married another woman within the same diocesse or within some other dioces, and so is Bigamus. Or if hee haue bin but once married, then to say, that the whom he hath married, is or was a widdow, that is to say, the left woman of such a one, &c. which thing shall be tryed by the Bishop of the dioces where the marriages are alleaged. And being so certified by the Bishop, the prisoner shall lose the benefit of the clergy: But at this day by force of the act made in Anno 1. E. 6. ca. 12 this is no ple, but that he may haue his Clergie that notwithstanding.

So is Brooke titulo Clergie placito 20. to the same purpose. And hereupon if you be desirous to see what reason they haue that perswade against second marriages, reade amōg many others Frācis Petrache of remedies for both Fortunes, the first booke & lxxvj. Dialogue, tiel feme, en tiel lieu, deins tiel dioces & que il est mort, & que il ad apres marrie vn auter feme deins mesme le diocesses ou deins ascun auter diocesses, & issint Bigamus. Ou sil nad este forsque vn tēps marrie, donques adire que el que il espouse est, ou fuit vn viese, cest adire, le relicte dun tiel &c. Le quel chose serra trie per Leuesque de le Dioceese ou le espousels sont alleadge. Et esteant issint certifie per Leuesque, le prisoner perdera le benefit del Clergie: Mes al cest iour per force de le acte fait en Anno primo Edw. 6, cap. 12. cest nul plea, mes que il poet auer son Clergie ceo nient obstant.

Issint est Brooke titulo Clergie placito 20. al mesme purpose. Et sur ceo si vous estes desirous de veyer queux reasons ils ont que perswade enuers second espousels, lege ent diuers auters Frances Petrache de remedijs vtriusque Fortunæ, le primer liuer & lxxvj. Dialogue,

intituled de ſecundis nuptijs, quel lieur ore tarde Maiſter Thom̃ Twine ad bien & oue bon grace (cõe ils que poyent iudger dicnt) trãſlate hors de Latin en Englois, & mult aptmẽt appel ceo Phyſicke encoũter fortune.

intituled of ſecond marriage, which booke now of late Maiſter Thomas Twine hath very well, & with good grace (as they that can iudge do ſay) tranſlated out of Latin into Englith, and moſt aptly called it Phyſicke againſt fortune.

79 *Bloodwit.*

BLoodwit, hoc eſt quietũ eſſe de amerciamentis de ſanguine fuſo, & quę teneantur placita in curia veſtra, habebitis amerciament inde prouenientia, quia (wit) en Anglois eſt miſericordia in Latin.

Bloodwit.

BLoodwit, that is, to be quit of merciaments for bloodſhedding, and what pleas are holden in your court, you ſhall haue the amerciaments thereof comming, becauſe (wit) in Engliſh, is miſericordia in Latin.

80 Boote.

BOot, eſt vn viel parol, & il ſignifie helpe, ſuccour, ayde, ou aduantage, & eſt communement ioyne oue vn auter parol, que ſignification il augment, come ceux bridgeboote, burghboote, fireboote, hedgeboote, plowhoote, & diũs tiels ſemblables, pur queux ſignifications, veies en lour proper titles.

Boote.

BOote, is an old word, & ſignifieth helpe, ſuccor, aide, or aduantage, and is commonly ioyned with an other word, whoſe ſignification it doth augment, as theſe bridgeboote, burghboot, fireboot, hedgeboote, plowboot, and diuers others ſuch like, for whoſe ſignifications look in their proper titles.

81 *Broodhalpeny.*

BRoodhalpeny, in some copies Broodhalbeny, that is to bee quit of a certayne custome, exacted for setting vp of tables.

Broodhalpeny.

BRoodhalpeny, en aſcun copies Broodhalbeny, hoc eſt, quietum eſſe de quadam cõſuetudine exacta pro tabulis leuatis.

82 *Burgage.*

TO hold in Burgage, is to hold as if the Burgeis hold of the King, or of another Lord lands or tenements, yeelding to him a certaine rent by the yere, or els there where another man thē burgeis holdeth of any Lord lāds or tenements in burgage, yeelding to him a certaine rent by yere.

Burgage.

TEner en Burgage, eſt a tener ſi come les burgeis teignēt de Roy, ou de aut Seigniour terres ou tenemēts rendāt a luy vn certain rent per an, ou autrement la ou vn auter home que Burgeis tient daſcun Seignior terres ou tenemēts en Burgage rendant a luy vn certaine rent per an.

83 *Brugbote.*

BRugbote, (and in some copies Bridgbote) that is to be quite of giuing aid to the repairing of bridges.

Brugbote.

BRugbote (& en aſcūs copies Bridgbote) hoc eſt quietum eſſe de auxilio dando ad reficiendum põtes.

84 *Burghbote.*

BVrghbote, that is to bee quite of giuing ayde to make a Borough, Castel Citie, or walles thereabout.

Burghbote.

BVrghbote, hoc eſt quietū eſſe de auxilio dando ad faciendum Burgum, Caſtrum, Ciuitatem vel muros proſtrata.

85 *Burgh-*

84 Burbreach.

BVrghbreach, hoc ē quiēf esse de transgressionibus factis in ciuitate vel Burgo contra pacem.

Burbreach.

BVrghbreach, that is to be quit of trespasses don in Citie or Borough against the peace.

85 Burgh English.

BVrgh English, ou Borough English, est vn custome en vn auntient Borough, ou si vn home ad issue diūs fits & moruſt, vncore le puisne fits ſolemēt inheritera, & auera touts les terres & tenemēts que fueront a ſon pere de que il moruſt ſeiſie deins meſme le burgh per diſcent, come heire a ſon pere, per force del custome de m̄ le burgh.

Burgh English.

BVrgh English, or Borough English, is a custome in some antient borough, that if a man haue issue diuers sonnes, & dyeth, yet the youngest son only shall inherite & haue all the lands & tenemēts that were his fathers, whereof hee died seised within the same borough by discent, as heire to his father by force of the custome of the same borough.

87 Burglarie.

BVrglarie, est quāunt vn debruſe & enter en le meaſon dun auter en le nuit, oue felonious intent, de robber ou occider, ou de fayre auter felonie, en queux cases nient obſtant il ne import riens, vncore il est felonie, pun que il ſera pēdue. Autrement est ſil ſoit en le iour ou que il

Burglary.

BVrglary, is when one breaketh, & entreth into the house of another in the night, with felonious intent to robbe or kill, or to doe some other felonie, in which cases although hee carry away nothing, yet it is felonie, for which hee shall suffer death. Otherwise it is, if it bee in the day time, or that hee breake

breake the house in the night, and enter not therein at that time.

But if a seruant will conspire with other men to rob his Master, and to that intent he openeth his Masters doores and windowes in ȳ night for them, that they come into the house by that way, this is Burglarie in the straungers, and the seruant is a theefe, but no Burglar. And this was the opinion of the right worshipfull Sir R. Manwood knight, most worthy Lord chiefe Baron of the Exchequer at the Quarter Sessions holden at Canterburie in January 1579. 21. Eliz.

debruse le meason en le nuit, & ne entra pas en ceo a cest temps.

Mes si vn seruant voile conspire oue auters de robber son Master, & a cel entent il ouer les dores & senestres de son Master en le nuit pur eux, & ils vient en le meason per cest voy, cest Burghlarie en les estraungers, & le seruant est vn laron, mes nemy vn Burglar. Et ceo fuit lopinion de le right worshipfull Sir Rog. Manwood Chiualer, pluis digne Seigniour chiefe Baron de le Exchequer, a la quarter Sessions tenus en Canterburie en lanuary 1579. 21. Eliz.

88 Capias.

CApias, looke for that after in the title Proces.

Capias.

CApias, vide pur ceo apres en la title de Proces.

89 Caruage.

CAruage, that is to bee quite if the King shall taxe al his land by carues. Note that a carue of land is a Plowland.

Caruage.

CAruage, hoc est, quietū esse si dñs Rex talliauerit totam terram suam per Caruas. Nota que vn carue de terre est vn Plowland.

90 Certification of assise.

CErtification of Assise of Nouel disseisin, is a

Certification in Assise.

CErtificatio Assisæ Nouæ disseisinæ, est vn briefe,

brieſe, & giſt lou le baylife le tenant en Aſſiſe plede nul tort &c. & parde per laſſiſe, donques ſi le tenant ad vn releaſe ou auter eſcript a pleder, il auera ceſt brieſe, & les primers Iurors ſerrõt garnies dapperer deuaunt les Iuſtices & parties auxy, donques ſi puit eſte troue que le releaſe ou le eſcripts ſont voyer & bones, ceſtuy que recoueroit in laſſiſe, rendra dammages en double, & pardõ la terre.

fwzit, and lyeth where the Bailife of the tenãt pleadeth no wzong, &c. & loſeth by the aſſiſe, then if the tenant haue a releas or other wziting to plead, he ſhall haue this wzit, and the firſt Iurozs ſhall be warned to appeare before the Iuſtices and the parties alſo: then if it may be found, that the releas or wzittings are true & good, hee that recouered in the Aſſiſe ſhall yeelde double dammages, and ſhall loſe the land.

91 Cerciorari.

CErciorari, eſt vn brieſe & giſt lou vn eſt implede en vn baſe Court, que eſt de recorde, & il ſuppoſe que il ne poit auer equal juſtice la, donques ſur vn bill en la Chauncerie comprisant aſcun matter en conſcience, il auera ceſt brieſe pur remouer tout le Record en la Chaũcerie, & la deſte determine per conſcience, mes ſil ne proua ſon bill, donques lauter partie auera vn brieſe de Procedendo a remaund le record en la

Cerciorari.

CErciorari, is a wzit and it lieth where one is impleded in a baſe court, & is of recozd, & hee ſuppoſeth that he may not haue equall Juſtice there, then vpon a bil in the Chancerie cõpzuling ſome matter of conſcience, he ſhal haue this wzit to remoue al the Recozd into the Chancery, & there to bee determined by cõſcience, but if he pzoue not his bill, then the other partie ſhall haue a wzit of Procedendo, to ſend againe the Recozd into the baſe

base court, and there to be determined. And it lieth in many other cases, for to remoue records for the king, as indictments and other.

Cession.

CEssion, is when an Ecclesiasticall person is created Bishop, or when a parson of a parsonage taketh an other benefice without dispensatiõ or otherwise not qualified &c. In both cases their first benefices are becõe void, & bee said to become void by cession: And to those ỹ he had who was created Bishop, the king shall present for the time whosoeuer be patron of thẽ. And in the other case ỹ patron may present.

Cessauit.

CEssauit, is a writ, and it lyeth where my verie tenant which holdeth of me certaine lands and tenements, rendring certain rent by the yere, & the rent is behind not paid by two yeres, and no sufficient distresse may be found vpon the land, then I shall recouer the lande, but if the

base court, & la deste determine. Auxy il gist en plusours auters cases pur remouer Recordes pur le Roy, come Indictments & auters.

Cession.

CEssion, est quant vn Ecclesiastical pson est cree Euesque, ou quant vn parson dun parsonage priist vn autr benefice sans dispensation ou auterment nient qualified &c. En ambideux cases lour primer benefices sont deuenus void, & sont appelle destre voide per cession. Et al ceux que il ad que fuit cree Euesque le Roy presentera pro illa vice, quicunque soit patron de eux. Et en lauter case le patron poit presenter.

Cessauit.

CEssauit, est vn briefe, & gist lou mon verie tenãt que tient de moy certaine terres ou tenemts rendant certein rent p an, & le rẽt est arere nient paye per deux ans, & nul sufficient distresse poit este troue sur le terre, donques ieo auera cest briefe per que ieo recouera le terra, mes si le tenant

tenant vient en court deuant iudgement, & tendr̃ les arrerages, & les damages, & troue ſuertie que il ne ceſſera pluis en paimẽt de dit rent, ieo ſerra compel de prender les arrerages & les damages, & donques le tenant ne perdera la terre. Auxy le heire ne poit mainteine cel briefe pur ceſſer fait en temps ſon aunceſter. Auxy ceſt briefe ne giſt, mes pur annuall ſeruice, come rent & huiuſmodi, & nyent pas pur homage & fealtie.

Auxy il y ad auter briefe appel Ceſſauit de cantaria, & giſt ou vn done terres a vn meaſon de Religion a troue pur laime de luy & de ſes aunceſtors, & de ſes heyres annuelment vn chandel ou lamp en Eſgliſe, ou pur faire aſcun diuine ſeruice, ou de paſter les pouers, ou auters almes, on auter tiel choſe faire, donque ſi les dits charges ne ſont pas fait per deux ans, donque le donour ou ſes heires auera ceſt briefe vers quecunque eſt eins apres tiel

tenant come into the co
before iudgement gi
and render the arrerag
and damages, & find ſu
tie, that hee ſhall ceaſe
more in paymẽt of the ſa
rent, I ſhall be compell
to take the arrerages a
the damages, and then t
tenant ſhall not loſe t
land. Alſo the heire ma
not maintaine this writ
for the ceſſer made in th
time of his aunceſtor. A
ſo this writ lieth not bu
for Annuel ſeruice, as re
and ſuch other, and not fo
homage and fealtie.

Alſo there is an othe
writ called Ceſſauit de ci
taria, and it lieth where
man giueth lãd to a houſe
of religion to finde for his
ſoule & of his aunceſtors,
and his heires pearcls
candle or Lampe in the
Church, or to ſay any
diuine ſernice, or to feede
the poore, or other almes,
or ſome other thing to do,
then if the ſaid charge be
not done in two yeares,
then ẽ donor or his heires
ſhal haue this writ againſt
whoſoeuer holdeth the
things giuen after ſuch

ceſſure

ſſure. See the ſtatute
1,2.ca. 41.

Challenge.

Hallenge,is where Iu-
rors appeare to trie an
ſue, then if any of the
rties ſuppoſe that they
e not indifferent, they
ay there challenge & re-
ſe them.

There bee diuers chal-
nges,one is challenge to
e array, the other to the
olles.

Challenge ỹ to tharray,
s when ỹ panel is fauou-
ably made by ỹ Sherife,
other officer.

Challenge by polles are
ome principall, and ſome
y cauſe,as they call it.

Principall, is when one
f the Jurors is the ſon
rother,or coſin to ỹ plain-
ife or defendant,or tenant
o him,or that hee hath eſ-
ouſed the daughter of ỹ
laintif,& for thoſe cauſes
he ſhalbe withdrawne.

Alſo in a plee of the
eath of a man,and in eue-
ry action real, and in acti-
ons perſonall, if the debt
or dammages amount to
fortie markes, it is a good
challenge that hee cannot

ceſſer. Vide leſtatut, W.2.
cap.41.

Challenge.

CHallenge eſt leu Iurors
apperont pur trier vn
iſſue, donques ſi aſcun des
parties ſuppoſont que ils
ne ſont pas indifferent, la
ils poyent eux challenge &
refuſe.

Il ad eſtre diuers chal-
lenges: vn eſt challenge
al array, le auter eſt al
polles.

Challenge al array eſt
quant la panel eſt fauora-
bleme̅t fait p̄ le vic' ou auc̄
officer.

Challēge p̄ les polls ſone
aſcun principal, & aſcun p̄
cauſe,come ils appel ceo.

Principal eſt quāt vn des
Iurors eſt le fits, frere, ou
coſin al plaintife ou defen-
dant, ou tenant a luy, ou
que il auoit eſpouſe la file
le plaintif,& pur ceux cau-
ſer il ſerra retrait.

Auxy en plee de le mort
de hō̄e,& en cheſcū action
real, & en actions perſo-
nal,ſi le debt ou damages
amount a xl.markes, il eſt
bō̄ challēge que il ne poyt
diſ-

dispender xl. shillings per an de franktenement.

Challenge per cause, est ou le partie allege vn matter queneest principal challenge: come que fits dun des Iurors espouse la file le plaintife, & donques il cõclude, & pur ceo il est fauorable, quel serra trie per auters del enquest si il soyt fauourable ou indifferent, & si ils dyont que il est fauourable, & n my indifferent, donques il serra treit, auterment il serra iure.

Auxy vn felon que est arraign poit challenge xx. Iurours peremptorie sans ascun cause, & ceo est in fauorem vitæ, & tant que il voile oue cause, mes dõques il serra trie si pur tiel cause il soyt indifferent ou nemy.

dispend xl. s by the yere freehold.

Challenge because, in where the partie doth alledge a matter which is no principal challenge: as that the sonne of one of the Iurors hath espoused the daughter of the plaintife, and then he doth conclude, and therfore he is fauourable, & it shall be tried by others of ỹ inquest, whether he be fauorable or indifferent, and if they say that hee is fauorable, and not indifferent, then he shalbe drawne out, otherwise he shalbe sworne.

Also a felon that is arraigned may challenge xx. Iurors peremptory without any cause, and that is in favor of life, & as many as he will with cause, but then it shall bee tried if for such cause hee bee indifferent or not.

95 *Champertie.*

CHampertie est vn briefe & gist lou deux homes sont impleadaunts, & lun done la moytie ou part del chose en plee a vn estraunge pur luy mayn-

Champertie

CHampertie, is a writ and lyeth where two men bee impleading, and one giueth the halfe or part of the thing in plee to a straunger for to maintaine

tain him against the other, the the party grieued shal haue this writ against ỹ stranger. See the Statute Articuli super chartas cap 11.

teiner encounter le auter, donques le partie greeue auera ceſt briefe deuers le ſtraunger. Vide le ſtatute Articuli ſuper Chartas, cap. 11.

96 Champertors.

CHampertors, bee they that moue pleas or ſuits, or cauſe to bee moued by their owne or others procurement, and ſue them at their owne coſtes, to haue part of the lands or gains in variance.

Champertors.

CHampertors, ſont ceux que moua plees & ſuits, ou cauſe deſte moue per lour ou auters procurement, & ſue a lour coſtages & charge demeſne, pur auer part del terre ou gaines en variance.

97 Charge.

CHarge, is where a man graunteth a rent iſſuing out of his ground, and that if the rent be behind, it shall be lawfull for him, his heires and aſſignes to diſtraine till the rent be paid, this is called a rent charge. But if one graunt a rent charge out of the land of an other, though after he purchaſe the land, yet the grant is void.

Charge.

CHarge eſt lou vn home graunta vn rent iſſuant hors de ſon terre, & que ſi le rent ſoit arrere, que ſerra loyal a luy, ſes heires & aſſignes a diſtrainer tanque le rent ſoit pay, ceſt appel vn rent charge. Mes ſi vn grant vn rent charge hors del terre dun auter, coment puis il purchaſe la terre vncore le graunt eſt void.

98 Charters.

CHarters of landsare writings, deeds, euidences, & inſtruments, made frō one man to another, vpon

Charters.

CHarters de terres ſont eſcripts, faits, euidentes, & inſtruments, fait de vn home a lauter ſur

aſcun eſtate conueied ou paſſed perenter eux de terres ou teneméts, monſtrãt les noſmes, lieu, & quantitie del terre, le eſtate, tẽps, & maner del feaſans de ycel, les parties a le eſtate deliuer &: priſe, les teſmoignes ſient al ceo, oue auters circumſtances.

some eſtate cõueied or paſſed betweene thẽ of lands or tenements ſhewing the names, place, & quantity of the land, the eſtate, time & maner of the doing thereof, the parties to the eſtate deliuered & taken, the witnelle preſent at the ſame, with other circumſtances

99 Chattels.

CHattels, ſont en deux ſorts, ceſt adire, chattels reals & chattels perſonels. Chattels reals ſont leaſes pur ans, gards, & a tener a volunt.

Chattels perſonels, ſont touts moueable biens, cõe argẽt, plate, biens del meaſon, chiuals, vacches, blees, & tiels ſemblables.

Chattels.

CHattels, are in two, ſoꝛts, that is to ſay, chattels reals & chattels perſonels. Chatteis reals are leaſes foꝛ yeares, ſwards, & to hold at will.

Chatteis perſoneis are all moueable goodes, as money, plate, houſhold ſtuffe, hoꝛſes, kine, coꝛne, & ſuch like.

100 Childwit.

CHildwit, hoc eſt, quod capiatis geruummam de natiua veſtra corrupta & pregnata ſine licentia veſtra.

Childwit.

CHildwit, that is, that you may take a fine of your bondwoman, defiled and begotten with childe without your licence.

101 Chimin.

CHimin, eſt le haut voy lou cheſcun home paſſa que eſt appel via Regia, & vncore le Roy nad

Chimin.

CHimin, is the high way where euery mangoeth which is called Via Regia, and yet the King hath no other

other thing there but the passage for him and his people, for the freehold is in the Lord of the soyle, & all the profits growing there, as trees, and other things.

auter chose la forsq; le passage pur luy & son people, car le franktenement est en le Seignior del soile, & touts les profits ereſſants la, come arbres, & auters choses.

102 Thing in action.

THing in action, is whē a man hath cause, or may bring an action for some duity due to him, as an action of debt upon an obligation, or annuitie, or rēt, actiō of couenāt, or ward, trespas of goods taken awap, beating, or such like, and because that they are things whereof a man is not possessed, but for recouerie of them is driuen to his action, they are called Things in action. And those things in action that are certain, the King may graunt, and the graūtee may vse an actiō for them in his owne name onely. But a cōmon person cannot grant his thing in action, nor the king himselfe cannot grant his thing in actiō which in uncertain, as trespas, and such like.

Chose en action.

CHose en action, est quāt vn hōe ad cause, ou port porter vn action pur aſcun dutie due a luy, cōe vn action de det sur vn obligation, annuity, ou rent, action de couenant, ou gard, trespas des biens emporte, baterie, ou tielx semblables, & pur ceo que ils sont choses de qux vn hōe nest possesse, mes pur recouerie de eux est mis a son action, ils sont appelles chose en action. Et ceux choses en actiōq; sont certain, le Roy poit graunta, & le grantee poit vser vn action pur eux en son noſme demeſn ſolement. Mes vn cōmon perſon ne poit graunter ſon chose en actiō, ne Roy luy meſm ne poit graunter ſon chose ē action quel est vncertaine, come trespas, & tiels ſemblables.

103 Cinque Ports.

CInque Ports, ſont certaine hauen villes, cinq; en nũber, as queux ad eſte graunt long temps paſſe mult liberties (que auters port villes nont) & ceo primerment en le tẽps del Roy Edward appel le Confeſſour (que fuit deuant le Conqueſt) & fueront encreaſe apres, & ceo eſpecialmẽt en les iours del trois Edwards, le primer, ſecond, & le tierce (apres le Conqueſt) come appiert en le Lieur de Domeſday, & auũs vieux Monuments, queux en ceſt lieu ſerront trope longe de recite.

Cinque Ports.

CInque Ports, bee certain hauen townes, fiue in number, to which haue bin graunted long time ſince many liberties (that other Port townes haue not) and that firſt in the time of King Edward called ye Confeſſor (who was before the Conqueſt) & hath bin increaſed ſince, & that chiefly in the dayes of the three Edwards, the 1. the 2. & 3. (ſince ye Conqueſt) as appeareth in ye Booke of Domeſday, and other old Monuments, which in this Worke ſhould be too long to recite.

104 Circuitie de action,

CIrcuitie de action, eſt quãt vn action eſt droiturelment port pur vn duitie, mes vncore circum le buſh, come ſemble, pur ceo que c' poit cibien eſtre auterment reſpondue & determine, & le ſuit ſaue, & pur c' que meſme le action ſuit pluis que beſoigne, il eſt appel circuitie de actiõ. Come ſi vn home graunt vn rent charge de x. li.

Circuitie de action.

CIrcuitie de action, is when an actiõ is rightfully brought for a dutie, but yet about the buſh, as it were, for that it might aſwell bin otherwiſe anſwered, and determined, and the ſuite ſaued, and becauſe that the ſame action was more then needfull, it is called circuitie of action. As if a man grant a rent charge of x. pounds

out

out of his manor of Dale, and after the Grauntee disseiseth the Grauntor of the same manor of Dale, & he bringeth an Assise, and recouereth ye land, a xx. l. damages, the which xx. l. being paied, the Grauntee of the rent sueth his actiõ for ten pounds of his rent due during the time of the disseisin, which if no disseisin had beene, hee must haue had: This is called circuity of action, because it might haue beene more shortly aunswered, for whereas the grauntour shall receiue xx. l. damages, and pay x. l. rent, hee might haue receiued but the x. l. only for ehe damages, & the grauntee might haue cut off & kept backe the other x. l. in his hands, by way of detainer for his rent, and so thereby might haue saued his action.

hors de son manour de Dale, & apres le Grauntee disieisist le grauntor de m̃ le manor de Dale, & il port vn Assise, & recouer le terr̃ & xx. li. damages, le quel xx. li. esteant pay, le grauntee del rent sue son action pur x. li. de son rẽt due durant le temps de le disseisin, le quel si nul disseisin ad este, il doit auer ew: Cest appel Circuitie de action, pur ceo que il poit auer este pluis briefement respondue, car lou le grantor doit receiue xx. li. damages, & paie x. li. rent, il puit auer receiue forsque le x. li. solement pur les damages, & le grauntee puit auer recoupe & retaine arrere le auter x. li. ẽ ses maines per voy de detainer pur son rent, & issint per ycel poit auer saue son action.

105 Claime.

CLaime, is a challẽge by any man of the property or ownership of a thing which he hath not in possession, but that which is

Claime.

CLaime, est vn challenge per ascun home de le propertie ou ownership de vn chose que il nad en possession, mes ceo que est

detaine a luy torcious-ment.

306 Clergie.

CLergie, eſt vn auncient libertie confirme en diuers Parliaments. Et eſt quant vn home eſt arraign de felonie, ou tiels ſemblables, deuant vn temporall Iudge &c. & le priſoner pria ſon Clergy, ceſt adire, pur auer ſon lieur, quel en auncient temps fuit autant ſicome il yſt prie deſte diſmiſſe del temporall Iudge, & deſte deliuer al Ordinarie de purger luy meſme de meſme offence. Et donques le Iudge commaundera le Ordinarie de trier ſil poit lier come vn Clerke en tiel lieur & lieu come le Iudge aſſignera. Et ſi le Ordinarie certifie le Iudge que il poit, donques le priſoner nauera iudgement de perder ſon vie. Vide Stamford lib. 2. cap. 41. & Quere le ſtatute 18. Eliz. cap. 7.

withholden from him wrongfully.

Clergie.

CLergie, is an auncient liberty confirmed in diuers parliaments. And it is when a man is arraigned of felonie, & ſuch like, before a temporall Iudge &c. & the priſoner prayeth his Clergie, that is to ſay, to haue his booke, which in auncient time was as much as if he deſired to be diſmiſſed from the temporall Iudge, and to be deliuered to the Ordinary to purge himſelfe of the ſame offece. And then ỹ Iudge ſhall command the Ordinarie to trie if he can read as a Clerk in ſuch a booke and place as the Iudge ſhall appoint. And if the Ordinary certify ỹ Iudge that he can, then the priſoner ſhall not haue iudgement to looſe his life. See Stamford lib. 2. cap. 41. and ſeeke the ſtatute 18. Eliz. cap. 7.

307 Clerke attaint.

CLerke attaint, eſt celuy que pria ſon cler-

Clerke attaint.

CLerke attaint, is hee which prayeth his clergie

gie after iudgement giuen vpon him of the Felonie, & hath his Clergy allowed, such a clerke might not make his purgation.

108 Clerke conuict.

CLerke conuict, is hee which prayeth his clergie before iudgement giuē vpon him of the Felonie, and hath his Clergie to him granted, such a clerke might haue his purgatiō. Note that this purgation was made, when he was dismissed to the Ordinary, there to be tried of the enquest of clerks. And therfore now by the stat. of 18. Eliz c. 7. no such is put to the Ordinary.

109. Coadiutor.

COadiutor, to the disseisin is hee, which with another disseiseth one of his freehold, to the vse of the other: and he shall bee punished as a disseisor, but hee is not such a disseisor which gaineth the freehold, but the freehold resteth and is all in him to whose vse the disseisin was committed, as it appeareth in Littleton lib. 3. cap. 3. of ioyntenants.

gie apres iudgemēt sur luy done de Felonie, & ad son Clergie allow, tiel clerk ne poit faire son purgation.

Clerke conuict.

CLerke conuict, est cestuy que pria son clergy deuant iudgement done sur luy de le Felonie, & ad le Clergie a luy graunt, tiel clerke puit faire son purgation. Nota que cel purgation fuit fait quant il fuit dismisse al ordinary, la destre trie del enquest del clerkes: & pur ceo ore per statute 18. Eliz. cap. 7. nul tiel est misse al Ordinarie.

Coadiutor.

COadiutor al disseisin est celuy, que oue auc disseise vn de son Franktenement al vse del lauter, & il serra puny come vn disseisor, mes il nest tiel disseisor que gaine le franktenement, mes le franktenement vest & est tout ē celuy, a que vse le disseisin fuist cōmit, come appiert en Littleton lib. 3. cap. 3. de ioyntenants.

COlour, eſt vn fained matter, le quel le defendant ou tenaunt vſe en ſon barre, quaunt vn actiõ de treſpas ou vn Aſſiſe eſt port enuers luy, en le quel il done le demaundant, ou plaintife vn ſhewe prima facie, que il ad bone cauſe de action, lou en veritie il neſt iuſt cauſe mes tantſolement vn colour, ou viſour dun cauſe: Et il eſt vſe al entent que le determination del action doet eſte per les iudges, & nemy per vn ignorant Iurie de 12 homes. Et pur ceo vn color doet eſte vn matter en ley, ou difficult al lay gents: come pur example, A port vn Aſſiſe de terre enuers B. & B. dit que il meſme leſſa m̃ le terre al vn C. pur terme de vie & apres grant le reuerſion al A le demandant, & puis C. le tenant pur terme de vie moruſt, apres que deceaſe A. le demandãt claimant le reuerſion pforce del graunt (ou C. le tenant pur vie ne vnques atturne) entra, ſur que B.

COlour, is a fained matter, which the defendãt or tenant vſeth in his bar, when an action of treſpas or an Aſſiſe is brought againſt him, in which he giueth the demaundant or plaintif a ſhew at the firſt ſight, that hee hath good cauſe of action, where in troth it is no iuſt cauſe, but only a color & face of a cauſe: & it is vſed to ꝑ intent that the determinatiõ of the action ſhould bee by the iudges, & not by an ignorant Iurie of 12. men: and therfore a color ought to bee a matter in law or doubtful to ꝑ cõmon people: as for exãple B. bringeth an aſſiſe of lãd againſt B. and B. ſaith ꝑ he himſelfe did let the ſame land to one C. for terme of life, & afterward did grant the reuerſion to A. the demãdant, & after C. the tenãt for terme of life died, after whoſe deceaſe, A. the demandant claiming the reuerſiõ by force of the grãt (whereto C. the tenãt for life, did neuer atturne) entred, vpon whom B. entred,

entred, against whom I. for that entry, brings this assise &c. This is a good colour because the cõmon people think that the land will passe by ẽ grãt without Attornement, where indeed it will not passe, &c.

Also in an action of trespasse, colour must be giuẽ, and of them are an infinit number, one for example: in an actiõ of trespasse for taking away the plaintifs beasts, the defendãt saith, that before the plaintife had any thing in them, hee himselfe was possessed of them as of his proper gaods & deliuered them to I.B. to deliuer them to him againe, whẽ &c. And I.B. gaue thẽ vnto ẽ plaintife, and the plaintife supposing the propertie to be in I.B. at the time of the gift, tooke them, and the defendant took them from the plaintife, wherevpon the plaintife bringeth an action, that is a good colour, and a good plea. See more hereof in the Dialogues betweene ẽ Doct. and Stud. lib. 2. cap. 13.

entra, enuers que A. pur m̃ entre port ceſt aſſiſe &c. Ceſt vn bone colour, pur ceo que les lay gentes pẽſãt que le terre voile paſſe per le graunt ſans atturnment, lou en fait il ne voile paſſe, &c.

Auxy en vn action de treſpaſſe, colour doit eſtre done, & de eux ſont vn infinite number, vn pur example: En vn action de treſpaſſe pur priſe de auers del plaintife, le defendaunt dit, que deuaunt le plaintife riens auoit en eux, il meſme fuit poſſeſſe de eux come de ſes proper biens, & eux deliuer al A. B. pur eux rebailer a luy quando' &c. & A.B. eux dona al plaintife, & le Plaintife ſuppos' le propertie deſtre en A.B. al temps del done, priſt eux, & le defendaunt eux repriſt del plaintife, ſur que le plaintife port laction: ceſt vn bone colour, & vn bone plea. Vide de ceo pluis en les Dialogues enter le Doctor & ſtudent. lib. 2. cap. 13.

111 Colour de office.

COllore officij eſt touts dits priſt in malam partem, & ſignifie vn acte malement fait per le coũtenance de vn office, & il port vn diſſimulant viſage del droit office, lou le office neſt que vaile del fauxitie & le choſe eſt ground ſur vice & le office eſt come vn ſhadow al c'. Mes ratione officij, & virtute officij ſõt priſes touts foits in bonam partem, & lou le office eſt le iuſt cauſe del choſe, & le choſe eſt purſuant al office.

Colour of office.

COlour of office, is alwaies taken in ꝑ worſt part, and ſignifieth an act euill done by the countenance of an office, and it beareth a diſſembling face of the right office, whereas the office is but a vaile to the falſhood, and the thing is grounded vpon vice, & ꝑ office is as a ſhadow to it. But by reaſon of the office, and by vertue of the office are taken alwaies in the beſt part, & where the office is the iuſt cauſe of the thing, and the thing is purſuing ꝑ office.

112 Colluſion.

COlluſion, eſt lou vn action eſt port vers vn auter per ſon agreement demeſne, ſi le plaintife recouer, tiel recouerie eſt dit per colluſion, & en aſcun caſes le colluſion ſerra enquire, come en vn Quare impedit, Aſſiſe, & tiels ſemblables, queux aſcun corporation ou corps politique port enuers auter al entent de auer le terre ou aduowſon,

Colluſion.

COlluſion, is where an action is brought againſt another by his owne agreement, if the plaintife recouer, thẽ ſuch recouery is called by colluſion, and in ſome caſes the colluſion ſhall bee inquired of as in Quare impedit, and Aſſiſe and ſuch like, which ane corporation or body politique bringeth againſt an other to the intent to haue the land or aduowſon, whereof

wherof ꝑ writ is brought into Mortmaine. But in auowrie nor in any action personall, the collusion shall not be inquired. See the statute West. 2. ca. 32. which giueth ꝑ Quale ius e inquirie in such cases.

dont le briefe est port en Mortmaine. Mes en auowrie ne en aſcun action perſonal le colluſion ne ſerra enquire. Vide le ſtatute de Weſt. 2. ca. 32. que done le Quale ius & le enquirie en tiel caſe.

113 Commaundrie.

COmmaundrie, was the name of a mannour or chiefe meſſuage, with which lãds or tenement were occupied belonging to the late Priorie of S. Johns of Ieruſalem in Engld, vntill they were giuen to K. H. ꝑ 8. by ſtatute made in the 32. yeare of his raigne: And hee, which had the gouernmẽt of any ſuch mannour or houſe, was called the Cõmaunder, which had nothing to do to diſpoſe of it but to ꝑ vſe of the Priory, e to haue onely his ſuſtenãce ofit according to his degree, which was vſually a brother of the ſame Priorie, which had bin made Knight in the warres againſt Infidels, and were lately called Knights of

Commaundrie.

COmmaundrie, fuit le noſme dun manour ou chiefe meſſuage, oue que terres ou tenements fueront occupies perteignant al Priorie de S. Iohns de Ieruſalem en Engleterre, tanq; fueront done al Roy Henry le huit, per ſtatute fait en lan 32. de ſon reigne: Et ceſtuy, que auoit le gouernement de aſcun tiel mannour ou meſſuage fuit appel le Commaunder, que nauoit rien a faire ou diſpoſer de ceo forſque al vſe del Priorie, & dauer ſolement ſon ſuſtenance de ceo, ſolonque ſon degree que fuiſt vſualment vn frere de meſm le Priorie, que euſt eſtre fait chiualer en les guerres encounter Infidels, & fueront iadis appel knights de

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le Rodes, ou Knights de Malta, del lieux lou lour graund Maſter del dit order enhabite. Vide le dit ſtatute, & le ſtatute entituled de Templarijs, le decay des queux fuit graund encreaſe de cel order, & pluſors de ceux commandries ſont en le pays noſmes le Temple.

the Rodes, or Knights of Malta, of ỹ places where their graund Maſter of the ſaid order did dwell. See the ſaid Statute, 9 the old Stat. intituled de Templarijs, whoſe decay was a great increaſe of this order, & many of theſe commaundries are called in the Countrie by the name of Temples.

COmmon ley, eſt pur le pluis part priſe 3. voies. Primerment, pur les leyes de ceſt Realme ſimply, ſans aſcun aut̃ ley, come cuſtomarie ley, ciuil ley, ſpiritual ley, ou quecunque auter ley ioine a ceo, come quãt eſt diſpute en noſtre leyes Dengleterre, quid doit de droit eſte determine per le common ley, & quid per ſpiritual ley, ou le Court del Admiral, ou tielx ſemblables.

Secondariment il eſt pris pur les Courtes le Roy, come le banke le Roy, ou Common place, tantſolement pur monſtre vn difference peretter eux

COmmon ley, is for the moſt part taken three wates. Firſt, for the laws of this Realme ſimply, without any other, as cuſtomarie law, ciuill law, ſpirituall law, or whatſoeuer elſe law ioyned vnto it, as when it is diſputed in our lawes of England what ought of right to be determined by the cõmon law, and what by the ſpirituall law, or Admirals court, or ſuch like.

Secondarily it is taken for the Kings Courts, as the kings Bench, or common place, onely to ſhew a difference betweene them

and

and the base Courts, as customary courts, court Barons, County courts, Hypowders, & such like: as when a plee of land is remoued out of auncient demesne, because the land is frãk fee, and pleadable at the common Law, that is to say, at the K. court, and not in auncient demesne, or in any other base court.

Thirdly, a most vsually by the common Law is vnderstood, such lawes as were generally taken & holden for law before any Statute was made to alter the same, as for example: Tenãt for life, nor for yeares, were not to be punished for doing wast at ẽ common law, till the stat. of Glouc. ca. 5. was made, which doth giue an action of wast against thẽ. But tenant by the curtesie, and tenant in dower, were punishable for wast at the common Law, that is to say, by the vsuall & common receiued Lawes of the Realme, before the said Statute of Gloucester was made.

& les base Courts, cõe customarie courts, court Barons, Countie courts, Pypowders, & tielx semblables: ce me quãt vn plee de terre est remoue hors de auncient demesne, pur ceo que le terre est franke fee, & pleadable al common ley, cest adire en le Court le Roy, & nemy en auncient demesne, ou en ascun auter base court.

Tiercement, & pluis vsualment per le common ley est entendue, tielx leyes q̃ fueront generalm ent prise & tenus pur ley deuant que ascun estatute fuit fait pur alter c', come pur example: Tenant pur vie, ne pur ans, ne fueront deste punish pur sesans wast al common ley, tanque lestatute de Glouceſter ca. 5. fuit fait, le quel done vn action de wast enuers eux. Mes tenant per le curtesie, & tenant en dower, fueront punishable pur wast al common ley, cest adire, per le vsual & common receiued leyes le Realm, deuant le dit statut de Glouceſter fuit fait.

COmmõ, eſt le droit que home ad de mitter ſes beasts a paſture, ou de vſer & occupier le terre q̃ neſt ſon proper ſoile.

Et nota, que ſont diuers commons, ceſt adire common en groſſe, common appendant, common appurtenant, & common per cauſe de vicinage.

Common en groſſe, eſt lou ieo per mon fait grant a vn auter, que il auer cõmon en ma terre.

Common appendant, eſt lou home eſt ſeiſie de certain terre, a que il ad common en autr̃ ſoile, & touts ceux que ſerront ſeiſies del dit terre aueront le dit cõmon ſolement pur ceux beasts que compaſt la terre a que il eſt appendant, exceptoyſons, chiuers, & porceaux.

Et touts iours, ceſt common eſt per preſcription, & de common droit, & il eſt appendaunt al terre arable ſolement, &

COmmon, is the right that a man hath to put his beasts to paſture, or vſe & occupie the ground that is not his owne.

And note, that there be diuers commons, that is to ſay, common in groſſe, common appendant, common appurtenant, and common becauſe of neighborhood.

Common in groſſe, is where I by my deed grant to an other that hee ſhall haue common in my land.

Common appendant, is where a man is ſeiſed of certaine land, to the which hee hath common in anothers ground, and all they that ſhall bee ſeiſed of the land haue the ſaid common onely for thoſe beaſtes which compaſt the land to which it is appendant, excepting geeſe, goates, & hogges.

And alwayes that common is by preſcription, and of common right, and it is appendaunt to eyrable land onely, and

not

not to any other land or house.

Common appurtenant is in the same manner as common appendant. But it is with all manner of beastes, as well hogges, goates, and such like, as horses, kine, oxen, sheepe, and such as compasse the ground. And this common may be made at this day, & may bee severed frō the land to which it is appurtenant, but so can not common appendant.

Common because of neighborhood is where the tenats of ij. Lords which bee seised of two townes, where one lyeth nigh an other, & every of thē have used from the time whereof no minde runneth, to have common in the other towne with all manner of beasts commonable.

But the one may not put his cattell in ꝑ others ground, for so they of the other towne may distrain them dammage fesant, or may have an action of tresspas: but they may put thē into their own fields, and so if they stray into

nemy al auter terre ou meason.

Common appurtenant est en mesme le manner come commō appendant. Mes est ouesque touts manners des aueirs, cibien porceaux, chiuers & tiel semblable, come chiuals, vacches, boefs, berbits, & tiels que compasser le terre. Et tiel commō poit esse fait a oest iour, & poit este seuer del terre a que il est appurtenant, mes issint ne poit common appendant.

Common pur cause de vicinage est lou les tenants de deux Seigniours que sont seisies de deux villes, dont lun gist pres lauter, & chescun de eux ont vse de temps dont memory ne court, de auer common en auk ville, ouesque touts beasts comminable.

Mes lun ne poit mitter ses auers en le terre lauter, car la ceux de lauter ville poient eux distraine dammage fesant, ou auer action de Tresspas: mes ils eux mittera en lour campe demesne, & sils estray en les

les eampes del auter ville, ils doient eux sufferer. Et les inhabitants de lun ville ne doient mitter eins tants come ils voile, mes ayant regard al franktenement del inhabitants de le auter ville, car auterment il ne serroit bon vicinitie, sur que tout ceſt matter depend.

116 Condition.

COndition, eſt vn reſtraint ou bridle annex & ioyne al choſe, iſſint que per le non performance & feſans de ceo le partie al condition receiuera preiudice & parde, & per le performance & faire de ceo commoditie & aduauntage.

Et touts conditions ſont ou Conditions actuall & expreſſe, queux ſont appel Conditions en fait, Ou ils ſont conditions implicite ou tacite, & nient expreſſe, les queux ſount appelles Conditions en ley.

Auxy touts Conditions ſont ou Conditions precedent & vaiant deuant leſtate, & ſont executed, ou

the fields of the other towne, there they ought to ſuffer them. And the inhabitãts of the one towne ought not to put in asmany beaſts as they will but hauing regard to the inhabitãts of the other towne for otherwiſe it were no good neighborhood, upon which al this matter doth depend.

Condition.

COndition, is a reſtraint or bridle annexed and ioyned to a thing, ſo that by the not performance of not doing thereof the partie to the condition ſhall receiue preiudice and loſſe, and by the performance & doing of the ſame commoditie and aduantage.

And all Conditions are either Conditions actuall and expreſſed, which bee called Conditions indeed, or els they bee conditions implied or couert, and not expreſſed, which are called Conditions in law.

Alſo all Conditions are either Conditions precedent and going before the eſtate, and are executed, or

els

eis subsequent & following after the estate & executorie.

The Condition precedent doth get and gain the thing or estate made vpon condition by the performance of the same.

The Condition subsequent doth kepe & continue the thing or estate made vpon condition by the performance of the same.

Actual and expresse condition, which is called a Condition in deede, is a condition knit & annexed by expresse wordes to the feoffement, lease, or grant, either in writting, or without writing: As if I infeoffe a man in landes reseruing rent to be paid at such a feast, vpō conditiō, that if the feoffee faile of paiment at the day, that then it shall be lawful for me to reenter.

Condition implyed or couert and not expressed, which is called a condition in lawe, is when a man graunteth to another the office to be keeper of a Parke, Steward, Beadle, Baylife, or such like

subsequent & veniens apres le estate & executorie.

Le Condition precedēt gaine & obtaine le chose ou estate fait sur condition per le persourmance de le condition.

Le Condition subsequēt garde & continue le chose ou estate fait sur condition per le performance de ycel.

Actual & expresse condition, que est appel vn condition en fait est vn condition knit & annex per expresse parolx al feoffement, lease, ou graunt, ou en escript ou sauns escript. Si come ieo enfeoffe vn homeen terres reservāt rent, deste payed a tiel feast, sur condition, que si le feoffee faile de payment al iour, que donques il serra loyal pur moy de reenter.

Condition implicite ou tacite & nient expresse, que est appel cōdition ē ley, est quant home graunt al auē le office destr gardein dun Parke, Seneschal, Beadle, Baylife, ou tiels sembles

pur terme de vie, & nient obſtant que la ne ſoit aſcũ condition expreſſe en le graunt, vncore le ley parle couertment de vn conditiõ, quel eſt que ſi le grantee ne execute pas touts points apperteynant a ſon office, per luy meſme ou ſon ſufficient deputie, donque ſerra loyal pur le grantor de enter & diſcharge luy de ſon office.

Condition precedent & vaant deuant, eſt quaunt vn leaſe eſt fait al vn pur vie ſur condition, que ſi le leſſee pur vie voile payer al leſſour xx. li. a tiel iour, que donques il auera fee ſimple, icy le condition precede & va deuaunt le eſtate in fee ſimple, & ſur le performance de le condition, get & gaine fee ſimple.

Condition ſubſequent, & veniens apres, eſt quant vn graunt a I.S. ſon mannour de Dale en fee ſimple, ſur condition, que le grauntee payera a luy a tiel iour xx. li. ou autrement que ſon eſtate ceſſera, icy le condition eſt

or terme of life, & though there be no condition at all expreſſed in the grant, yet the law ſpeaketh couertly of a condition, which is, that if the grauntee do not execute all pointes apertaining to his office, by himſelfe or his ſufficient deputie, then it ſhall bee lawfull to the graunt our to enter & diſcharge him of his office.

Condition precedent is going before, is when a Leaſe is made to one for life, vpon condition, that if the leſſee for life will pay to the leſſor xx. pounds at ſuch a day, that thẽ he ſhal haue fee ſimple, here the conditiõ precedes & goeth before þ eſtate in fee ſimple, and vpon the performance of þ condition, doth get and gaine the fee ſimple.

Condition ſubſequent, & comming after, is when one granteth to I. S. his manor of Dale in fee ſimple vpon condition, that the grauntee ſhall pay to him at ſuch a day xx. pouñ, or els that his eſtate ſhall ceaſe, here the conditiõ is

ſub-

subsequent and following the estate in fee simple, & vpon & performance therof doth keepe & continue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title, of Conditions.

subsequent & ensuant le estate en fee simple, & sur le performance de cel, garde & continue le estate.

Vide pluis de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo vltimo, de conditions.

117 Confirmation.

CONfirmation, is when one which hath right to any landes or tenements maketh a deed to an other which hath therof the possession, or some estate with these words, Ratificasse, Approbasse, Confirmasse, with intent to inlarge his estate, or make his possession perfect and not defesible by him that maketh the confirmation, nor by any other that may haue his right.

Wherof see more in Littleton lib. 3. cap. 9. of Confirmations.

Confirmation.

CONfirmation, est quant vn que auoit droit al ascun terres ou tenements fait vn fait a vn auter que auoit ent le possession ou ascun estate ouesque ceux parolx, Ratificasse, Approbasse, confirmasse, oue entent de enlarger son estate, ou faire son possession perfect & nient defesible per luy que fait le confirmation, ne per ascun auter que poit aueigner a ſõ droit.

Dont vide pluis en Littleton lib. 3. cap. 9. de confirmations.

118 Confiscate goods.

CONfiscate goods, are goods to which the law entitleth the King when they are not claimed by any other. As if a man bee indicted that hee felonisi-

Confiscate biens.

CONfiscate biens, sont biens al queux le ley entitle le Roy quant ils ne sont pas claime per ascun auter. Come si vn home soit endict que il felonisi-

ousment emblea les biens de I. S. lou en veritie ils sont ses biens demesne, & ils sont mis en court vers luy come vn mayneur, & donqs il est demande que il dit a ceux biens, & il denie eux, ore per cest denier de eux, il perdra ceux biens, coment que apres il soit acquite del felonie, & issint en auters semblable cases.

ously stole the goods of I. S. where in trueth they are his owne goods, and they are brought into the Court against him as a mayneur, and then he is demaunded what he saith to those goods, & hee denieth them, now by this denying of them, he shall lose those goods, although that afterward he be acquited of the felome, and so mother like cases.

119 Conspiracie.

COnspiracie, est vn briefe & gist lou deux ou plusors senta ilerent per serement, couenant, ou auter maner alliance, que chescun ayd ra auter pur endicter ou appealer alcun home de felonie, donques celuy que est per tiel maner endict ou appeal, auera cest briefe. Mes cest briefe ne gist vers lendictors.

Vide pluis de ceo en Stamford lib. 3. cap. 12.

Conspiracie.

COnspiracie, is a writ it lyeth where two or more knit themselues together by oath, couenant, or other maner of alliance, that euery one shall helpe other for to indict or appeal any man of felonie, then hee which is by such maner indicted or appealed shall haue this writ. But this writ lyeth not against the indictors.

See more hereof in Stamford lib. 3. cap. 12.

120 Custome.

COnsuetud' & seruitijs, est vn briefe, & gist lou ceo ou mes ancestr de puis

Custome.

CVstomes & seruices, is a writ, and lieth when I or my aunceslors after the

the limitation of assise (for which see the title of Limitation in the collection of statutes) were not seised of the customes or services of my tenant before, the I shall haue this writ to recouer those services.

Also the tenaunt may haue this writ against his Lord, but after that the tenant hath declared, the Lord shall defende the words of the declaration, and replying shal say, that hee distrained not for the customes whereof the declaration is, and then hee shall declare all the declaration of the customes & services, & then the tenãt, who was plaintife shall become defendant, & shall defend by battaile or great assise.

le limitation de assise (pur quel vide le title de Limitation en le collection de statutes) ne fueront seisies des customes ou seruices de mon tenant, mes deuãt, donques ieo aũa ceſt brẽ p̃ recouer ceux seruices.

Auxy le tenant poit auer ceſt briefe vers ſon Seigniour, mes apres que le tenant ad count, le Seigniour defendera les motes del coũt, & repliant dirra, que il ne distraina pas pur les customes dont le count eſt, & donques il countera tout le count de les customes & seruices, & donques le tenant que fuit plaintife deuiendra defendant, & defendra per battaile ou graund assise.

121 Consultation.

COnsultation, look therfore after in the title of Prohibition.

Consultation.

COnsultation, Vide de ceo apres en le title de Prohibition.

122 Continual claime.

COntinual claime, is where a mã hath right to enter into certain lands whereof an other is seised in fee simple, or fee taile,

Continual claime.

COntinual claime, eſt lou home ad droit de entre en certaine terres dont vn auter eſt seisie en fee simple, ou fee taile,

& il ne oſaſt enter pur paour de mort ou baterie, mes approcha cy pres cõe il oſaſt, & fait claime a ceo deins le an & iour deuant le mort de ceſtuy que ad le terre, ſi apres ceſtuy que ad le terre deuie ſeiſie, & ſon heire eſt eins per diſcent, vncore ceſtuy que fait tiel claime poit enter ſur le heire, nient contriſteant tiel diſcent, pur ceo que il ad fait tiel continual claime. Mes il couient que ceſt claime touts foits ſoit fait deins lan & iour deuant le mort le tenaunt, car ſi tiel tenant ne moruſt ſeiſie deins lan & iour apres tiel claime fait, & vncore il que ad droit noſaſt enter, donques couient al ceſtuy que ad tiel droit de faire auter clame deins lan & iour apres le primer claime, & apres tiel ſecond claime de faire le tierce claime deins lan & iour, ſi il voit eſte ſure de ſauer ſon entre. Mes ſi le diſſeiſor deuie ſeiſie deins lan & iour apres le diſſeiſin, & nul claime fait, donques le

and hee dare not enter for feare of death or beating, but approcheth as nighas hee dare, & maketh claime thereto within the yeare & day before the death of him that hath the landes, if after hee which hath the land die ſeiſed, & his heire is in by diſcent, yet hethat maketh ſuch claime may enter vpon the heire, notwithſtãding ſuch diſcent, for that that he hath made ſuch continual claime: but it behoueth ẏ ſuch claime alwaies bee made within the yeare & the day before the death of the tenant, for if ſuch a tenant doe not die ſeiſed within a yeare & a day after ſuch claim made, and yet he that hath right dare not enter, then it behoueth him that hath ſuch right to make an other claime within the yeare & day after the firſt claim, & after ſuch ſecond claime to make ẏ third claime within the yeare and day, if he will be ſure to ſaue his entry. But if the diſſeiſor die ſeiſed within the yere and day after the diſſeiſin, and no claime made, then the

entre

entre of the disseisee is taken away, for the peare, & day shall not bee taken frō the time of the title of the entre to him growen, but only frō the time of ꝑ last claime by him made, as is aforesaid. See more thereof in Litt lib.3.cap.7.

123 Counterplee.

COunterplee, is when one bringeth an action, & the tenāt in his answer & plee voucheth or calleth for any mā to warrāt his title, or praieth in aid of an other, which hath better estate thē he, as of him ꝑ is in the reuersion, or if one that is a straunger to the action, come & pray to bee received to saue his estate, if the demaundant replie thereto, & shew cause that he ought not such a one to vouch, or ꝑ hee ought not of such a one to haue ayde, or that such a one ought not to be received, this plee is called a Counterplee to the voucher, aid, or resceit, as ꝑ case is, but if ꝑ voucher bee allowed, and whē ꝑ vouchee cōmeth in & demaundeth what cause the tenaunt hath, & thentre le disseisee est tolle, car lan & iour ne serra prise de le temps del title dentre a luy accrue, mes solement de le temps del darrein claime p luy fait, come est auantdit. Vide pluis de ceo en Littl lib.3. cap.7.

Counterplee.

COunterplee est lou vn port vn action, & le tenant ē son respons & plee vouch ou appel pur ascun home pur garrant sō title, ou prayer ayde de auter. que ad meliour estate, cōe de cestuy en la reuersion, ou si vn estraunge al actiō vient, & pryera deste rescеu de sauer son estate, si le demaund reply a ceo, & monstre cause que il ne doit tiel home voucher, ou que ne doit de tiel home eyde auer, ou que tiel home ne doit este rescеu, cest plee est appel vn coūter plee al voucher, ayde, ou reseeit, come le case est, mes si le voucher soit allow, & quant le vouchee vient eins & demaunde quel chose le tenaunt ad de luy voucher, & le te-

naunt monſtre ſon cauſe, & le vouchee plede aſcun matter de auoide le garrantie, ceo eſt appel counterplee del garrantie.

nant sheweth his case, & the vouchee pleade any thing to auoid the warranty, that is called a counterplee to the warranty.

224 Contract. Contract.

CONtract, eſt vn bargaine, ou couenant perenter ij. parties, lou vn choſe eſt done pur auter que eſt appel (Quid pro quo) come ſi ieo vende mon chiual pur argent, ou ſi ieo couenaunt de faire leaſe a vous de mon manor de Dale, en conſideration de xx. li. que vous dones a moy, ceux ſont bone contracts, pur c' que il ad vn choſe pur auſ. Mes ſi vn home fait promiſe a moy, que ieo auera xx.s. & que il voyle eſte dettour a moy de ceo, & puis ieo demaunde xx.s. & il ne voyle a moy deliuer, vncore ieo nauera iammes action pur recouer ceſt xx. s. pur ceo que ceſt promiſe ne fuit contract, mes nudus pactus. Et ex nudo pacto non oritur actio, mes ſi aſcun choſe fuit done pur le xx. s. meſque

CONtract, is a bargaine, or couenant betweene two parties, where one thing is giuen for another which is called (Quid pro quo) as if I ſell my horſe for money, or if I couenãt to make you a leaſe of my mannor of Dale, in conſideration of xx. li. that you ſhall giue mee, theſe are good contracts, becauſe there is one thing for another: but if a man make promiſe to me, that I ſhall haue xx.s. and that he will be debtor to mee thereof, & after I aſke the twenty s. and he will not deliuer it, yet I ſhal neuer haue any actiõ to recouer this twẽtie ſhillings, for that that this promiſe was no contract, but a bare promiſe. And ex nudo pacto non oritur actio, but if any thing were giuen for the twenty ſhillings, though it were

not

not but to the value of a penv, then it had beene a good contract.

il ne fuit forſque al value vn denier, donques il fuit bone contract.

125 Contra formam collationis.

Contra formam collationis, is a Writ, and it lieth where a man hath giuen lands in perpetuall almes to any of the late houles of Religion, as to an Abbot and to the Couent, or other ſouereigne, or to the Warden or Maſter of any Hoſpitall, and his couent to find certain poore men, and to do other diuine ſeruice, if they alien the lands, then the donour or his heires, ſhall haue the ſaid Writ for to recouer the land, but this Writ ſhall be alway brought againſt the Abbot or his ſucceſſor, and not againſt the alienee, although that hee bee tenant, but in all other actions where a man demandeth freehold, the Writte ſhalbe brought againſt the tenant of the land. See the Statute Weſtm. 2. cap. 41.

Contra formam collationis.

Contra formam collationis, eſt vn briefe, & giſt lou home done terres en perpetual almoigne a aſcun meaſon de Religion, come a vn Abbe & la Couent ou a auſ Soueraigne, ou al gardein ou Maſter de aſcun Hoſpital, & ſon couent, de trouer certaine pouer homes, & de faire auter diuine ſeruice, ſils alien les terres, donques le donour ou ſes heires, aueront le dit briefe pur recou le terre, mes ceſt briefe ſerr touts foits port vers le Abbot ou ſon ſucceſſor, & nemy vers alienee, comẽt que il ſoit tenant: mes en touts auters actions lou home demaund franktenemět, le briefe ſerra port vers le tenant del terre. Vide le Stat. Weſt. 2. cap. 41.

126 Con-

126 Contra formã feoffamenti.

CONtra formam feoffamenti, eſt vn briefe, & giſt ou vn home deuant le ſtatute de. Quia emptores terrarum, quel fuit fait An. 18. Ed. le prim. infeoffe auẽ per fait de faire certaine ſeruice, ſi le feoffour ou ſes heires diſtraine luy de faire auter ſeruice que eſt compriſe en le fait, donques le tenaunt auera ceſt briefe, luy commaundant que il ne diſtrain luy de faire auter ſeruice, que neſt compriſe deins le fait, mes ceſt briefe ne giſt pur le plainẽ que claime p purchaſe del primer feoffee, mes pur tiel plaintif que claim come heire al primer feoffee.

Contra formam feoffamenti.

CONtra formam feoffamenti, is a writ, and it lyeth where a man before the ſtatute of Quia emptores terrarum, which was made An. 18. Ed. the firſt, infeoffed another by deed to do certain ſeruice, if the feoffour or his heires diſtraine him to doe other ſeruice then is compriſed in the deed, thẽ the tenant ſhal haue this writ, commaunding him that he diſtrain not him to doe other ſeruice, that is not compriſed within the deede: but this writ lyeth not for the plaintife which claimeth by purchaſe from the firſt feoffee, but for ſuch plaintif as claimeth as heire to the firſt feoffee.

127 Contributione facienda.

CONtributione facienda, eſt vn briefe, & giſt lou ſont diuers Parceners, & celuy que ad le part del eygñ, fait tour le ſuite al Seigniour, les auters doyent faire contributiõ a luy

Contributione facienda.

CONtributione facienda, is a writ, and it lyeth where there are diuers Parceners, and he which hath the part of the eldeſt, doth make al the ſuit to ẽ Lord, the others ought to make contributiõ to him, and

and if they wil not, he shal haue against them the said writ.

128 Conusance.

COnusance of Plee, is a priuiledge that a Citie or Towne hath of the Kings graunt to hold plee of all contractes, and of lands within the precinct of the Franchise, and that when any man is impleaded for any such thing in the Court of the King at Westminster, the Maior and Bailifes of such frãchises, or their Attourney, may aske Conusance of the plee, that is to say, that the plee & the matter shall bee pleaded and determined before them.

But if the Court at Westminster be lawfully seised of the plee, before Conusance be demanded, then they shall not haue Conusance for that suit, because they haue negligẽtly surceased their time of demand therof, but this shall bee no barre to them to haue Conusance in an other action, for they may demand conusance in one action, & omit it in another

& fils ne voillent, il auera vers eux le dit briefe.

Conusance.

COnusance de plee, est vn priuiledge que vn citie ou ville ad del graunt le Roy de tener plee des touts contracts, & des terres deins le precinct del Fraunchise, & quant ascun home est empleaded pur ascun tiel chose é le Court de Roy al Westminster, les Maiors ou Bailises de tiels Franchises, ou lour Attournies, poient demaunder Conusance del plee, cestascauoir, que le plee & le matter serra plede & determine deuant eux.

Mes si le Court al Westsoit loyalment seisie del plee deuaunt que Conusance soit demaunde, donques ils ne aueront Conusance pur cest suit, pur ceo que ils ont negligentment surcease lour temps de demaunder ceo, mes cest ne serra barre al eux dauer conusance en auter action, car ils poyent demaunde conusance en vn action & omitte ceo en vn auter action

action a lour pleasure.

Et nota, que conusance ne gist en prescription, mes ils couient monstre letters patents le Roy pur ceo.

action at their pleasure.

And note, that Coumsance lieth not in prescription, but it behoueth to shewe the kings letters patents for it.

120 Corodie.

COrodie, est vn allowance de meate, pane, boyer, argent, vestmentes, lodging, & tielx choses necessarie pur sustenance: ceo ascun foits est certaine ou le certaintie des choses est limitte, ascun foits vncertaine lou nest limit le certaintie que il auer. Et ascun de eux commence per graunt fait per ascun home al auter, & poit estre pur vie, ans, en taile, ou fee: & ascun corodies sont de common droit, sicome chescun founder de Abbies, Priories, Nunries, & auters measons de Religious papisticke, auoient authoritie dassigner tiel en mesme les measons (quant ils fueront) pur son pere, frere, cosin, ou auter home que il voit, que prendroit ceo, sil fuit vn meason de Moignes, & si il soit founder del meason de Nunnes

Corodie.

COrodie, is an allowāce of meate, bread, drinke, money, clothing, lodging, & such like things necessarie for sustenance. It is sometimes certain where the certaintie of things is set down, sometimes vncertaine where ỹ certaintie of things is not set down which he shal haue. And some of them began by graunt made by one mā to an other, and it may be for life, peres, in taile, or in fee: & some Corodies are of common right, as euery founder of Abbies, Priories, nunries, & other houses of religion, had authoritie to assigne such in the same houle, whē they were standing, for father, brother, cosin, or other man ỹ hee would appoint, should take it, if it were a houle of Monks, and if he were founder of a house of nuns

or

oz women, then foz his Mother, sister, cosin, oz other woma that he would direct thither, & alwayes this was prouided foz, that he that had a Cozody in a house of Monkes, might not send a woman to take it. Moz where Cozodie was due in a Nunrie, there it was not lawfull to appoint a man to receiue the same, foz in both cases such presētation was to bereiected. And this Cozodie was due as well to a common person that was founder, as where the King himselfe was founder, but where the house was holden in frankalmoigne, there the tenure it selfe was a discharge of Cozody against all men, except it were afterward charged voluntarily, as when the King would send his writ to ỹ Abbot foz a Cozodie, foz such a one, whom they admit, there the house should be thereby charged foz euer, whether the King were founder oz not. See the writ of Corod' habendo in Fitz. Nat. brē fo. 230.

ou muliers, donques eco pur sa mere, soer, cosin, ou auter mulier que il voile direct al ceo, & toutes iours ceſt prouiſo fuit ew, que il que ad Corodie en vn meaſon de Moignes ne duiſt mitter vn feme de prender ceo. Ne ou Corodie fuit due en vn Nunrie, la il ne fuit loyall de appointer vn home de receiuer ceo, car en ambideux caſes tiel preſentation fuit deſte reiect. Et ceſt Corodie fuit due cibien a vn common perſon que fuit founder, ſicome ou le Roy meſme fuit founder, mes ou le meaſon fuit tenus en frankalmoigne, la le tenure meſm fuit vn diſcharge de Corodie enconter touts homes, ſinon q̄ il fuit apres charge voluntariment, come ou le Roy voit mitter ſon briefe al Abbe pur vn Corodie, pur vn tiel, le que ils admit, la le meaſon doit eſte charge per ceo a touts iours, ſi le Roy ſoit founder ou nemy. Vide breue de Corodio habendo en Fitz. Natura breuium fol. 230.

COroner, eſt vn auncient officer de truſt, & de graund authoritie, ordeine deſte vn principall conſeruator, ou gardein de le peace, a porter record des plees del Corone, & del ſon view demeſn, & de diuers auters choſes mult en number &c. & pur ceo en temps le Roy Edward le primer ceſt eſtatute ſequés fuit fait, pur ceo que petit gentes meines ſages ſoient eſlieus ore denouel communemét al office del Coroner, ou meſtier ſerroit que probes homes, loyalx, & ſages ſe entermellant de cel office. Puruiew eſt, que per touts les Counties ſoyent eſlieus ſufficient homes coroners, de pluis loyalx & pluis ſages chualers, que mieulx ſachant, puiſſent, & voilent a cel office entender, & que loyalment attachent & repreſentent les plees del corone.

Et nient obſtant le letter de ceſt eſtatute ne ſoit preciſement obſerue, vncore al meines le entent doit eſtre purſue, cy pres come

CRowner, is an auncient Officer of truſt, and of great authoritie, ordeined to be a principall cõſeruator, or keeper of ꝑ peace, to beare record of the Plees of the Crowne, and of his owne right, and of diuers other things many in number &c. and therefore in K. Edw. the firſt daies this Statute following was made: forasmuch as mean men and vndiſcreet now of late are commonly choſen to the office of the Crozoner, where it is requiſite that wiſe men, lawfull, and able ſhould occupie ſuch offices. It is prounded, that through all Shires ſufficient men ſhould be choſen to be Coroners, out of the moſt wiſe & diſcreeteſt knights, which beſt knewe, could, & would attend this Office, & which faithfully made & repreſented the Plees of the Crowne.

And although the letter of this ſtatute bee not preciſely obſerued, yet at the leaſt, the intent ſhould bee followed, as nigh as mought

mought be, that for the default of Knights, Gentlemen furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition, that they be vertuous and good knowen Christians. See hereof in the writ de Coronatoꝛ eligẽdo, in Fitz. Natura Breuium fol. 163.

poit, issint que p̃ le default des Chiualers, Gentlehomes furnishes oue tiels qualities si come le statute parle (de que ils y addiuers) poyent estre esslieu, oue ceſt addition que ils soient vertuous & bon conus Christians. Vide de ceo en le briefe de Coronatore eligendo in Fitzh. Natura breuium fol. 163.

121 Corporation.

COrporation, is a permanent thing that may haue succession: And it is an assemblie and ioyning together of many into one fellowship, brotherhood, & mind, wherof one is head and chiefe, the rest are the bodie, and this head and bodie knit together, make the Corporation. And of Corporations some are called Spirituall, & some Temporal, & of those that are Spirituall, some are corporations of dead persons in law, and some otherwise, and some are by the authoritie of the King only, and some haue beene of a mixt authoritie,

Corporation.

COrporatiõ, est vn chose permanent que poit auer succession: Et est vn assemblie & ioyning ensemble de diuers en vn fellowship, fraternitie, & ment, de que vn est le teste & principall, les auters sont le corps, & ceſt teste & corps ioint ensemble sont le Corporation. Et de Corporations ascuns sont appelles spirituals, & ascũs temporals, & de ceux que sont spirituals ascuns fueront corporations de mort persons en ley, & ascuns autrement, & ascuns sont per authoritie del roy solement, ascuns ont estre dun mixt authoritie,

Et

Et de ceux qieux sont temporol ascús sont p auctho-ritie de Roy auxy, & ascús per le common iey del Realme.

Corporation spirituall, & de mort persons en le ley, est lou le Corporation consist dun Abbe & Couent, & ceux ont lour commencement del Roy, & le hom de Rome, quant il y ad a fayre cy.

Corporation spiritual & del able persons en ley, est lou le Corporation consist dun Dean & Chapter, Master del Colledge ou Hospitall, & cest corporation ad cõmencement de Roy solement.

Corporation tẽporal p le Roy est vn Maior & Cõmunaltie.

Corporation temporall per auctho-rity del commõ ley est le assembly en Parliament, le quel consist del Roy le testé del corporation, & des Seigniors spirituals & temporals, & les Commons del Realme, le corps del corporation.

And of those that are temporall, some are by the authority of the King also, & some by the common lawe of the Realme.

Corporation spiritual, and of dead persons in the lawe, is where the Corporation cõsisteth of an Abbot and Couent, and their had beginning of ẏ king, & the man of Rome when he had to do here.

Corporation spirituall, & of able persons in lawe, is where the Corporatiõ consisteth of a Deane and Chapter, Master of a colledge or hospitall, & this corporatiõ had beginning of the King onely.

Corporatiõ tẽporall by ẏ king, is where there is a Maior & Comminaltie.

Corporation temporall by authoritie of the Common lawe, is the assembly in Parliamẽt, which consisteth of the K. the heads of the Corporation, & of the Lords Spirituall & Temporall, & the Commons of the Realm, the body of the corporation.

132 Bodies politike.

BOdies politike, are Bishops, Abbots, Priors, Deans, Parsons of churches, and such like, which haue succession in one person only.

Corps politike.

COrps politike sõt Eueſques, Abbes, Priors, Deanes, Parsons dun eſgliſe, & tiels ſemblables, queux ont ſucceſſion é vn perſon ſolement.

133 Corruption of bloud.

COrruption of bloud, is when any is attainted of Felony, or Treason, the his bloud is said to be corrupt, by meanes wherof his children nor any of his bloud cãnot be heires to him, or to any other ancestour, for which they ought to claime by him. And if he were a noble or gentleman before, hee and all his children therby are made vnnoble & vngentle, hauing regard to the nobility or gentry they claim by their father, which cannot be made whole againe by the kings grant without authority of Parliament.

Corruption of blood.

COrruption de ſangue, eſt quant aſcun eſt attaint de Felonie ou Treaſon, donques ſõ ſangue eſt dit deſte corrupt, p reaſon de quel ſes enfants ne aſc de ſon ſangue ne poyent eſtre heires a luy ne al aſcũ auter anceſter, pur que ils doyent claime per luy. Et ſil fuit noble ou gentle home deuaunt, il & touts les enfants per ceo ſont faits ignoble & vngentle, ayant regarde al nobilitie ou gentrie ils claime per lour pere, que ne poit eſte fait ſane arrere per graunt le Roy ſans authoritie de Parliament.

134 Cosinage.

COſinage, is a writ, and it lyeth where my great Grandfather, my Grandfathers grandfather, or other cosin dieth seised in fee

Cosinage.

COſinage, eſt vn briefe, & giſt lou mon beſaiel, mon treſaiel, ou auter coſin deuie ſeiſie en fee

simple, & vn estrange abata, cest adire, enter en les terres, donques ieo auera vers luy cest briefe, ou deuers son heire ou son alienee, ou deuers quecunque que aueigne apres a les dits terres. Mes si mon aiel deuie seisi, & vn estrange abate donques ieo auera vn briefe de Aiel. Mes simõ pere, mere, frere, soer, vncle, ou aunt, deuie seisie, & vn estrange abata, dõques ieo auer̃ vn assise de Mortdauncestee.

simple, and a straunger abateth, that is to say, entreth into the lands, then I shall haue against him this writ, or against his heire, or his alienee, or against whomsoeuer that commeth after to the said lands. But if my Grandfather die seised, & a stranger abateth, then I shall haue a writ of Aiel. But if my father, mother, brother, sister, vncle, or aunt, die seised, and a straunger abateth, then I shall haue an Assise of Mortdauncester.

135 Couenant.

COuenant, est vn agreement fait per fait en escript & enseale perenter deux persons, lou chescun de eux est tenus al auter de performer certaine couenants pur son part, si lun de eux ne tient pas son couenant mes enfreint ceo, donques celuy que se sent de ceo greeue, auera ent vn briefe de couenant.

Et nota biẽ que nul brief de Couenant serra maintenable sauns especialtie, si non en la Citie de

Couenant.

COuenant, is an agreement made by deede in writing & sealed between two person, where euerie of them is bounden to the other to performe certain couenants for his part, & if the one of them holdeth not his conenãt but breaketh it, thẽ he which therof feeleth himself greeued, shall haue thereupon a writ of Couenant.

And note well that no writ of Couenant shall be maintenable without especialty, but in the citie of

Lon-

London, or in some other such place priuiledged by custome and vse.

Londres, ou en ascun auter tiel lieu priuiledge per custome & vse.

136 Couerture.

COuerture, is when a man and a woman are married together, now whatsoeuer is done concerning the wife in ꝑ time of the continuance of this marriage betweene them is said to bee done during the couerture, & the wife is called a woman couert.

Couerture.

COuerture, est quant vn home & vn feme sont espouse ensemble, ore ascũ chose que est fait concernant la feme en le temps de le continuance de cest marriage perenter eux est dit destre fait durant le couerture, & le feme espouse est appel vn feme couert.

137 Couin.

COuin, is a secret assent determined in ꝑ hearts of two or more, to the prejudice of an other: As if a tenant for terme of life, or tenant in taile, will secretly conspire with an other, that the other shall recouer against the tenant for life the land which hee holdeth &c. in prejudice of him in the reuersion.

Couin.

COuin, est vn secret assent determine en les cœures de deux ou plusors, al preiudice dun auter: Come si tenant pur terme de vie, ou tenant en le taile secretment conspire oue vn auter, que lauter recouera vers le tenant pur vie le terre que il tient &c. en preiudice de celuy en le reuersion.

138 Cui in vita.

CVi in vita, is a writ, & it lyeth where a man is seised of lands in fee simple, or fee taile, or for terme of life, in the right of his

Cui in vita.

CVi in vita, est vn briefe, & gist lou home est seisie de terres en fee simple, ou fee taile, ou pur terme de vie, en droit sa

feme, & aliena mesme le terre, & deuie, donques el auera le dit briefe pur recouerer la terre.

Et nota bien que en cest briefe son title doit este monstre, si soit de purchase la feme, ou de le heritage la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deuiont, le heire la feme auera vn briefe de Sur Cui in vita.

wife, and alieneth þ same land, & dieth, then she shall haue the said writ for to recouer the land.

And note well that in this writ her title must be shewed whether it bee of the purchase of þ woman, or of the heritage of the woman. But if the husband alien the right of his wife, & the husband & the wife die, the wiues heire may haue a writ of Sur cui in vita.

139 Cui ante diuortium.

CVi ante diuortium, est vn briefe, & gist en semble maner, quant tiel alienation est fait per le baron del terre la feme, & puis deuorce est ew enter eux, donques la feme auera cest briefe, & le briefe dirra, cui ipsa ante diuortium contradicere non potuit.

Cui ante diuortium.

CVi ante diuortium, is a writ, & it lyeth in like maner, when such alienation is made by the husband of the wiues land, & after deuorce is had betweene them, then þ woman shal haue this writ, and the writ shall say, to whom shee before the deuorce might not gainsay.

140 Curtesie Dengleterre

CVrtesie Dengleterre, est lou home prent feme seisie en fee simple, ou fee taile generall, ou seisie come heire de la taile especial, & adiffue per la feme

Curtesie of England.

CVrtesie of England, is where a man taketh a wife seised in fee simple, or fee taile generall, or seised as heire of the taile especiall, & hath issue by the wife male

male or female, be the issue dead, or in life, if the wife die, the husband shall hold the land during his life by the Law of England: and it is called tenant by the Curtesie of England, because that this is not vsed in no other Realme but only in England.

male ou female, soit issue mort, ou en vie, si la feme deuie, le baron tiendra la terre durant sa vie, per la ley de Angleterre: Et est appel tenant per le Curtesie de Angleterre, pur ceo que nest vse en nul auter Realme forsque tantsolement en Angleterre.

D.

141 Damage fesant.

Damage fesant, is when a strangers beasts are in an other mans ground, without lawful authority or licence of the tenant of the ground, and there do fede, tread, and otherwise spoile the corne, grasse, woods, or such like: In which case, ỹ tenāt whom they hurt may therefore take, distraine, & impound them, aswel in the night as in the day. But in other cases, as for rent, and seruices, and such like, none may distraine in the night season.

D.

Damage fesant.

Damage fesant est quant les beasts de vn estrāge sont en auters terres sans authoritie loyal ou licence del tenant de la terre, & la mangeront, tread', ou autrement spoyllont les blees, grasse, bois, ou tiels semblables: En quel case le tenant que ils issint damage, poit pur ceo prender, distraine, & impound eux, cybien en le nuict come en le iour. Mes en auters cases, come pur rent, & seruices, & tiels sembles, nul poit distrainer en le nuict temps.

142 Danegeld.

Danegeld, that is to be quit of a certaine custome which hath run som-

Danegeld.

Danegeld, hoc est, quietum esse de quadā consuetudine q̄ cucurrit aliquo

tempore, quam quidem Dani leuauerũt in Anglia.

Ceo commence primerment en temps le Roy Etheldred, quel eſteant en grand diſtreſſe per le continual inuaſion de les Danes pur purchaſer paix, fuit compell' de charge ſon pais & people oue importable payments, car il primerment done eux al cinque ſeuerall payments 113000.lib. & puis graunt al eux 48000.li annualmt.

times which the Danes did leute in England.

This began firſt in the time of King Etheldred, who beeing foꝛe diſtreſſed by the continuall inuaſion of the Danes, to purchaſe peace, was compelled to charge his Countrie and people with importable paiments, foꝛ he firſt gaue them at fiue ſeuerall paiments 113000.l. and afterwards graunted them 48000.l. yearely.

143 Darraine preſentment.

DArreine preſentment, vide de ceo apres titulo Quare impedit.

Darreine preſentment.

DArreine preſentment, ſeeke thereſoꝛe after in the title Quare impedit.

144 Deane & Chapter.

DEane & Chapter, eſt vn corps corporate ſpiritual, conſiſtant de pluſours able perſons en ley, come nõſmemẽt de Deane (que eſt principal) & ſes Prebends, & ils enſemble font le Corporation. Et ſicome ceſt Corporation poyent iointment purchaſe terres & tenements al vſe de lour Eſgliſe & ſucceſſours. Iſſint auxy cheſcun de eux

Deane & Chapter.

DEeane & Chapter, is a bodie coꝛpoꝛate ſpirituall, conſiſting of many able perſons in law, as namely the Deane (who is chiefe) and his Pꝛebends, and they together make the Coꝛpoꝛation. And as this Coꝛpoꝛation may iointly purchaſe lãds & tenements to the vſe of their Churches ſucceſſoꝛs. So likewiſe euery of the ſeue-

ſeuerally may purchaſe to the vſe of himſelfe and his heires.

145 Decies tantum.

DEcies tantum, is a writ and lyeth where a Iuror in any inqueſt, taketh money of the one part or other to giue his verdict, then hee ſhall pay tenne times as much as he hath received, & euery one that will ſue may haue action, and ſhall haue the one halfe, & the king the other halfe. But if the king in ſuch caſe releaſe by his pardon to ſuch a iuror, yet that ſhalbe no bar againſt him ꝙ bringeth the action, but that he ſhall recouer ꝓ other halfe, if his actiõ bee commẽced before the pardon of the King, but if the pardon bee before any action, it is a barre againſt al men. And the ſame law is of all other actions populer, where one parte is to the King, & the other to the party that ſueth. And the embracers which procure ſuch inqueſts ſhal be puniſhed in the ſame manner. And they ſhall haue the impriſonmẽt of a yere

ſeueralmẽt poit purchaſe al vſe de luy & ſes heires.

Decies tantum.

DEcies tantum, eſt vn briefe, & giſt lou vn iurour en aſcun enqueſt, priſt argent dun party ou dauter pur done ſon verdict, donques il payera x. foits a tant que il ad receiue. Et cheſcun que voil ſuer puit auer le action, & auera lun moitie, & le Roy lauter moity. Mes ſi le roy en tiel caſe releaſe per ſon pardon a tiel iurour, vncore ceo ne ſerra barre vers ceſtuy que port laction, mes que il recouera lauter moitie, ſi ſon actiõ ſoit commence deuaunt le pardon le Roy, mes ſi le pardon ſoit deuaunt aſcun action, il eſt barre encounter toutes gents. Et meſme le ley eſt de toutes actions populers lou vn part eſt al Roy, & lauter al partie que ſuera. Auxy les embracers que procurent tiels inqueſtes ſerront puny en meſme le manner: & ils aueront priſonmẽt de vn an.

mes nul iuſtice enquirera de ceo de office, mes ſolement al ſuite del partie.

but no iuſtice ſhal inquire thereof of office, but only at the ſuite of the party.

146 Declaration.

DEclaration, eſt vn monſtraunce en eſcript de le griefe & complaint de le demaundant ou plaintife enuers le tenaunt ou defendant, en que il ſuppoſe de auer receiue tort, & ceſt declaration doit eſte plaine & certaine, pur ceo que il impeach le defendant ou tenant & auxy chace celuy a reſponder. Mes nota qne declaration fait per le demandant vers le tenant en action Real, eſt appel properment vn Count.

Declaration.

DEclaration, is a ſhewing in writting of the griefe & complaint of the demaundant or plaintife againſt the tenaunt or defendant wherein hee ſuppoſeth to haue receiued wrong, & this declaration ought to be plain and certaine, both becauſe it impeacheth the defeudant or tenant, & alſo compelleth him to make anſwer thereto. But note that ſuch declaration made by the demandant againſt the tenant in an action Real, is properly called a Count.

Nota que le Count ou declaration doit conteine demonſtration, declaration & concluſion. Et en demonſtration ſont conteines troyes choſes (ceſt adire) que ſe pleint, & deuers que, & de quel choſe, & en le declaration doit eſtre compriſe coment & en quel manner le cauſe del action

Note that the Count or declaration ought to contein demonſtration, declaration, & concluſion. And in demonſtration are conteined 3. things, (that is to ſay) who him complaineth and againſt whom, & for what matter, & in the declaratiō what ought to be compriſed, how and in what manner the action

ceſ

rose between the parties, & whē, & what day, yeare, and place, and to whom the action shall be giuen.

And in the conclusion, he ought to auerre & profer to proue his suite, and shew ẏ damage which hee hath sustained by ẏ wrong done vnto him.

surdit enter les parties, & quant & quel iour, an, & lieu, & a que laction serra done.

Et en perclose il doit auerre & profer de prouer son suit & monstra les damages queux il susteine ꝑ le tort a luy fait.

147 Dedimus potestatem.

DEdimus potestatem, is a Writ, and it lyeth where a man sueth in the Kings Court, or is sued, & may not wel trauel, then he shall haue this writ directed to some Justice, or other discret person in the Countrey to giue to him power to admit some man for his Attorney, or to leuie a fine, or to take his confession or his answere, or other examination as the matter requireth.

Dedimus potestatem.

DEdimus potestatem, est vn briefe, & gist lou vn hom̄ sua in le court le roy, ou est sue & ne puit bien traueiler, donques il auera cest briefe direct a ascū Iustice ou auter discreet person en le payes de doner a luy power pur admit ascun pur son Atturney, ou de leuie fine, ou de prender son confession, ou son respons, ou auť examination come le matter require.

148 Defendant.

DEfendant, is he that is sued in actiō personall, and hee is called tenant in an action Reall.

Defendant.

DEfendant, est celuy que est sue en action personel, & est appel tenant en vn action Reall.

149 Defence.

DEfence, is that which ẏ defēdāt ought to make

Defence.

DEfence, est ceo que le defendaunt doit fayre im-

immediatement apres le court ou declaration fait, ceſt adire, que il defenda tout le tort, force, & damage, lou & quant il deuera, & donques de proceede ouſter a ſon plee, ou de imparler.

Et nota, que entant que il defend tort & force il ſe excuſe del tort vers luy ſurmiſe, & fait ſe partie al plee, & per tant que il defende les damages, il affirme le partie plaintife able deſte reſpõdue.

Et pur le reſidue-del defence, il accept le power del court de oyer & determiner les plees de cel matter. Car ſil voile pleder al Iuriſdiction, il doit omitter in ſon defence les parols (ou & quaunt il deuera) & ſil voile monſtre aſcun diſability en le palaintife, & demaunde iudgement ſi le partie ſerra reſpondue, donques il doit omitter le defence del damage.

immediatelp after the court or declaration made, that is to ſap, that he defendeth all the wrong, force, and damage, where and when he ought and then to proceed farther to his plee, or to imparle.

And note that in ſo much that hee defendeth the force and wrong, hee doth excuſe himſelfe of the wrõg againſt him ſurmiſed, and maketh him partie to the plee, and in ſo much that he defendeth the damage, hee affirmeth the partie plaintife able to be anſwered vnto.

And for the reſidue of the defence, hee accepteth the power of the Court to heare and determine their plees of this matter. For if he will plead to the Iuriſdiction, hee ought to omit in his defence theſe wordes (ou & quaunt il deuera.) And if hee will ſhew any diſabilitie in the plaintife, and demaunde iudgement if the partie ſhall bee anſwered vnto, then hee ought to omit the defence of the dammage.

150 Demaundant.

DEmaundant, is he that sueth or complaineth in an action Real for title of land, & he is called plaintife in an Assise, and in an action personall, as in an action of debt, trespas, deceit, detinue, and such like.

Demaundant.

DEmaundant, est celuy que sue ou complaine en action Real pur title de terre, & il est appel plaintife en vn Assise, & en vn action de dette, tresp as, disceit, detinue, & tiels semblables.

151 Demaines.

DEmaines, or demesnes, generally speaking according to the Law, bee all the parts of any mannour which bee not in the handes of Freeholders of estate of inheritance, though they bee occupyed by Copyholders, Lessees for yeres, or for life, as wel as tenant at will: But especially to speake, Demaines according to the common speech bee onely vnderstood the Lordes chiefe manor place, which hee and his auncestours haue from time out of minde, kept in their own hands, and haue occupied the same, together with all buildings and houses

Demaines.

DEmaines, ou demesnes, generalment a parler solonque le ley sont touts les parts de ascun manour quel ne sont en maines del Freeholders destate de enheritance, coment soient occupies per tenant per copie de court Roll, Lessees pur ans, ou pur vie, ciben come tenant a volunt: Mes specialment a parler, Demaines solonq; le common parlans sont solement entende le principall manour place del Seignior, que il & ses auncestors ont ewe de temps hors de memorie en lour maines demesne, & ount occupie ceo, ensemble oue touts edifices & measons

que

quecunque : Et auxy les prees, paſtures, boys, terres eyrable, & tiels ſemblables oue ceo occupie.

whatſoeuer: Alſo the meadowes, paſtures, woods, eyrable land, and ſuch like there with occupied.

152 Demy ſanke ou ſangue.

Demy ſanke, eſt quant vn home marie vn feme, & ad iſſue per luy vn fits ou file, & le feme moruſt, & donques il priſt vn auter feme. & ad per luy auxy vn fits ou file. Ore ceux fits ſont ſolonque vn manner freres, ou come ils ſont appelies demy freres, ou freres del demy ſanke, ceſt adire frere per le part de pier, pur ceo que ils ont ambideux vn pier, & ſont ambideux de ſon ſangue, & nemy freres per le part le mere, ne de aſcun ſanke ou kin ceſt voy, & pur ceo lun de eux ne poit eſte heire al auter, car il que voile claime come heire al vn per diſcent, doit eſte dentier ſanke a luy de que il claime. En meſme le manner eſt ſi feme eyt diners iſſues per diuers barons, qui fratres vterini dicuntur.

Halfe bloud.

HAlfe bloud, is when a man marieth a wife, & hath iſſue by her a ſon or daughter, and the wife deeth, and then he taketh another woman, and hath by her alſo a ſon or daughter. Now theſe two ſons are after a ſort brothers, or as they are termed halfe brothers, or brothers of the halfe bloud, that is to ſay, brother by the fathers ſide, becauſe they had both one father, and are both of his bloud, and not brothers at al by the mothers ſide, nor of bloud ne kin that way, & therfore the one of them cannot be heire to other, for he that will claime as heir to one by diſcent, muſt be of whole bloud to him from whome he claimeth. In the ſame manner it is if a woman haue diners iſſues by diners huſbãds, who are called brothers by one mother.

153 De-

153 Demurrer.

DEmurrer, is when any action is brought, & the defendant pleadeth a plee, to which the plaintif aunswereth, that hee will not answere, for that it is not a sufficient plee in ye lawe, & the defēdant saith to the contrarie, that it is a sufficient plee, and thereupon both parties do submit the cause to the iudgement of the court, then that is called a Demurrer, for that they goe not forwarder in pleading, but abide vpon the iudgmēt of that point, and is said in the Latine vsed in the Records, Moratur in lege.

Demurrer.

DEmurrer, est quāt ascun action est port, & le defendant plede vn plee a que le plaintife dit que il ne voile responder, pur ceo que il nest sufficient plee en ley, & le defendant dit al contrarie, que il est sufficient plee, & sur ceo ambideux mitteront le cause al iudgement del Court, donques ceo est appell' vn Demurrer, pur ceo que ils ne vaont ouster en pleading, mes demurrer sur le iudgement de cel point, & dicitur en Latin vse en les Records, Moratur in lege.

154 Denizen.

DEnizen, is where an alien borne becōmeth ye Kings subiect, & obtaineth the K. letters patents for to inioy all priuiledges as an English mā, but if one be made Denizen, he shall pay customes, and diuers other things as aliens, as it appeareth by diuers statutes thereof made.

Denizen.

DEnizen, est lou alien nee deuient le subiect le Roy, & obtaine le letters patents le Roy pur enioy touts priuiledges, come vn home Anglois: Mes si vn soit fait Denizen, il payera customes, & diuers auters choses come alien, come appiert per diuers statutes de ceo fait,

155 Deo-

155 Deodand.

DEodand, est quant ascun home per misfortune est occide per vn chiual, ou per vn charret, ou per auter chose que moua en aydant de mort, donques cel chose que est le cause de son mort, que al temps de la misfortune moua, serra forfeit al Roy, & ceo est appel Deodãde, & ceo perteigne al Almener le Roy pur disposer en almes & acts de charitie.

Deodand.

DEodand, is when any man by misfortune is slaine by a horse, or by a cart, or by any other thing that moueth to further the death, then the thing that is cause of his death, and which at the time of his misfortune did moue, shall be forfeit to the King, and that is called Deodande, and that pertaineth to the Kings Almner, for to dispose in almes and deedes of charitie.

156 Departure de son plee ou matter.

DEparture de son plee ou matter, est lou vn home plede vn plee en barre, & le plaintife replie a ceo, & il apres en son rejoinder plede ou monstre auter matter, contrarie ou nient pursuant a son primer plee en barre, ceo est appel vn departure de son barre &c.

Departure from a plee or matter.

DEparture from a plee or matter, is where a man pleadeth a plee in barre, & the plaintife repleth thereto, & he after in his rejoynder pleadeth or sheweth another matter, contrarie or not pursuing to his first plee, that is called a Departure from his bar, &c.

157 Departure en spite del Court.

DEparture en spite del Court, est quant le te-

Departure in despite of the Court.

DEparture in despite of the Court, is whē the te-

nant

nant or defendant appeareth to the action brought against him, & hath a day ouer in the same Terme, or is called after, though hee had no day giuen him, so that it bee in the same terme, if he do not appear but make default, it is a departure in despite of the Court, and therefore hee shall be condemned.

nant ou defendãt appeare al action port enuers luy, & ad iour ouster en meſme le terme, ou eſt demaunde apres, coment nul iour ſoit a luy done, iſſint que ſoit en meſme le terme, ſil ne appeare mes fait default, ceſt vn Departure en deſpite de Court, & pur ceo il ſerra condemne.

158 Deputie.

DEputie, is he that occupieth in another mans right, whether it be office, or any other thing els, and his forfaiture or misdemeanor shall cause the officer, or him whose deputy he is, to loose his office or thing. But a man cannot make his deputy in al cases, except the graunt so beare it it be with these or suchlike wordes, to exercise or vse by himselfe or his sufficient deputie, or if the words goe further, to himselfe or his deputie, or the deputie of his deputy, then he may make a deputie, and his deputie also may make a deputie, or els not.

Deputie.

DEputie eſt celuy que occupia en aut droit, ſoit ceo office ou aſcun auter choſe, & ſon forfaiture ou miſdemeanor cauſera lofficer ou celuy que deputy il eſt deperder ſon office ou choſe. Mes vn ne poit faire ſon deputie en touts caſes, niſi le graunt ſoit iſſint: ſi come il ſoit oue ceux ou tiels ſemblables parolx, exercendo per ſe, vel ſufficiẽtem deputatum ſuum, ou ſi les parolx va ouſter, p ſe vel deputatum ſuum, aut deputat' deputati, donques il poit faire vn deputy, & ſon deputy auxy poit faire vn deputy, autrement nemy.

159 Dei

DEt est vn briefe, & gist lou ascun summe dargent est due a vn per reason de accompt, bargaine, contract, obligatiõ, ou auter especialtie, a estre pay a ascun certain iour, a quel iour il ne paia pas, donques il auera cest briefe, Mes si ascun summe de argent soit due a ascun Seigniour per son tenant, pur ascun rent seruice, le Seignior ne vnques auera action de det pur ceo, mes il couient touts soits distrain pur ceo. Auxy pur rent charge ou rent seck, quel home ad pur terme de son vie, en taile, ou en fee, il nauera action de det cy longe come le rẽt endure, mes ses executors poient auer vn action de det pur les arrerages de ascun des dits rẽts due en le vie lour testator, per le estatute 32. H.8. cap. 37.

Mes pur les arrerages de rent reserue sur vn lease pur terme de ans, le lessor est a son election de auer action de det, ou pur distrainer: Mes si le leas soit

DEbt is a writ, and it lieth where any summe of money is due to a man by reason of account, bargaine, contracts, obligation, or other especialty, to be payed at a certain day, at which day hee payeth not, then he shal haue this writ. But if any summe of money be due to any Lord by his tenant for any rent seruice, the Lord shall neuer haue action of debt for that, but it behoueth him alway to distraine for it. Also for rent charge or rẽt seck, which any man hath for life, in taile, or in fee, he shall not haue ante action of debt as long as ỹ rent continueth, but his executors may haue an action of debt for the arrerages of any of the said rẽts due in the life of their testator by the Statute 32. H.8. cap. 37.

But for the arrerages of rẽt reserued vpõ a lease for terme of yeares, ỹ lessor is at his electiõ to haue an action of debt, or for to distrain: but if the lease be deter-

determined, then hee shall not distraine after for that rent: But hee must haue an action of debt for the arrerages.

And note, that by the law of the realm, debt is onely taken to arise vpon some contract or penaltie imposed by some statut or paine, and not by other offences: as in the Ciuil law, Debitum ex delicto.

160 Deuastauerunt bona testatoris.

DEuastauerunt bona testatoris, is when the executors will deliuer the legacies that their testator hath giuen, or make restitution for wrongs don by him, or pay his debts due vpon contracts, or other debtes vpon specialties, whose dates of paimẽt are not yet come &c. And keep not sufficiẽt in their hãds to discharge those debtes vpõ records or specialties if they are compelable formerly by the law to satisfy, thẽ, they shalbe cõstrained to pay of their owen goods those duties, which at the first by the law they were cõpelled to pay, according

determin, dõques il ne distrainera aps pur cel rent: Mes couient luy dauer vn action de debt pur les arrerages.

Et nota, que p le ley del Realme, debt est solement prise de surder sur ascũ cõtract ou penalty impose p ascun statute ou paine, & nemy pur auter offences: come en le Ciuill ley, Debitum ex delicto.

Deuastauerunt bona testatoris.

DEuastauerunt bona testatoris, est quãt les executors voyle deliuer les legacies que lour testateur ad done, ou faire restitution pur torts faits p luy, ou pay ses dets due sur contracts ou auters dets due sur specialties, que iours de paymt ne sont vncore venus, &c. Et ne gard sufficient en lour mains pur discharger ceux debts sur recordes ou specialties, que ils sont compellable primement p le ley de satisfier, donques il serõt constrain de payer de lour biens demesn ceux dueties, le quel al primes p le ley ils fuer cõpelles d payer, accordãt

al value de ceo que ils deliueront ou pay ſans compulſion, car tiels paiments de debts, ou deliuery de legacies, come eſt auant dit, deuant debts paies ſur ſpecialties ou records, quel iours de paiſmt ſont a cre venus, ſont account en le ley vn waſtāt des biens del teſtator, cy taunt come ſi ils ad done eux ſans cauſe, ou vend eux & conuert a lour proper vſe.

to the value of that which they deliuered or paied by compulſion, for ſuch payments of debts, or deliuery of legacies, as is aforeſaid, before debts paid upon ſpecialties or records, whoſe dayes of payment are alreadp come, are accounted in the Law a waſting of the goods of the teſtator, as much as if they had giuen thē away without cauſe, or ſold them and conuerted them to their owne vſe.

161 Deuiſe.

DEuiſe eſt lou vn home en ſon teſtament, done ou graunt ſes biens ou ſes terres a vn auter apres ſon deceaſe. Et lou tiel deuiſe, eſt fait des biens, ſi les executors ne veilent deliuer les biens ou auters chattels perſonals a le deuiſee, le deuiſee nad remedie per le common ley: Mes il couient de auer vn Citation vers les executors le teſtator dappearer deuant le Ordinarie, de monſtre pur quoy il ne perfourma le volunt le Teſtatour, car le diuiſee ne poit

Deuiſe.

DEuiſe, is where a man in his teſtamēt, giueth or bequeatheth his goods or his landes to an other after his deceaſe. And where ſuch deuiſe is made of goodes, if the executors will not deliuer the goods or chattels perſonals to the deuiſee, ꝯ deuiſee hath no remedy by the common law: but it behoueth him to haue a Citation againſt ꝯ executors of ꝯ teſtator, to appeare before ꝯ ordinarp, to ſhew why he performeth not the will of the teſtatoz, for ꝯ deuiſee may

not take the legacie and ſerue himſelfe, but it muſt be deliuered to him by the executors.

But by the cõmon law, if a man bee ſole ſeiſed of landes in his demeine as of fee, & deuiſeth the lands by teſtament, this deuiſe was void, vnleſſe the lãds were in Citie or borough where lands be deuiſable by cuſtome. But if any man were infeoffed to the vſe of an other and his heires, & hee to whoſe vſe he was ſo ſeiſed did make deuiſe of his landes, this deuiſe was good, though it bee not in a Towne where lãds are deuiſable.

Alſo if any man deuiſe lands in Citie, towne, or Borough deuiſable, and the deuiſor dyeth, if his heire or any other abate in the lands, then the deuiſee ſhall haue a writ of Ex graui querela: But this writ ſhall neuer bee pleaded before the kings Iuſtice, but alwaies before the Maior or Bailifes in the ſame towne.

And here to the end to ſhew how much & lawes of

pender le legacie & luy meſme ſeruer, mes il doit eſtre deliuer a luy per les executors.

Mes p le common ley, ſi home ſuit ſole ſeiſie de terres en ſon demeſne come de fee, & deuiſa les terres p ſon teſtament, ceſt deuiſe ſuit void, ſinon les terres fueront en vn Citie ou Borough lou terres ſont deuiſable p cuſtome. Mes ſi aſcun home fuiſſoit enfeoffe al vſe dun auter & ſes heires, & ceſty a que vſe il fuit iſſint ſeiſie feſoit deuiſe de ſes terres, ceſt deuiſe fuit bone, coment que il ne fuit en ville lou terres ſont deuiſable.

Auxy ſi aſcun home deuiſe terres é City, ville, ou borough deuiſable, & le deuiſor deuie, ſi ſon heire ou aſcun auter abate en les terres, donques le deuiſee aũa brief de Ex graui querela: Mes ceſt briefe ne ſerra iammes plede deuant le Iuſtice le Roy, mes touts foits deuant le Maior ou Bailifes in le dit ville.

Et ore al fine de monſtre quaunt les leys de

ceſt Realme, & les diſcreet Iudges de ceo, queux ſont les interpreters de le ley, ont fauour voluntes & teſtaments, & iſſint deuiſes en yeelding al eux tiel reaſonable conſtructi-on, come ils penſant poit bien agreer oue les mentes de les morts, conſiderantes que volũts & teſtamẽts ſont pur le plus part, & per common intendement fait quant le teſtatour eſt ore en graund langor, feeble & paſſa tout ſperans de recouerie, car il eſt vn opinion é le paies enter le greinder number, que ſi vn home per chance ſoit cy prudent come de faire ſon volunt en ſon bon ſantie, quaunt il eſt ſtrong, de bon memorie, & ad temps & opportunitie, & poit demaund counſell ſi aſcun doubt ſoit de le learned, que donques il ne doit viuer long apres, & pur c' ils ceo deferre tãque tiel tẽps qñt ceo ſoit plus conuenient de app'ier eux meſmes a le diſpoſition de lour al'res, que de lour êres & biens, ſinon q̃ il ſoit q̃ p

this Realme, and the wiſe diſcreete Iudges of the ſame, who are the interpreters of the Law, do fauor wils & teſtaments, and ſo deuiſes in yeelding to them ſuch a reaſonable cõſtruction, as they think might beſt agree with the mindes of the dead, conſidering that wils and Teſtaments are for the moſt part, and by common intendiment made when the teſtator is now very ſick, weake, and paſt all hope of recouerie, for it is a reputed opinion in the Countrie among moſt, that if a man ſhould chãce to be ſo wiſe, as to make his wil in his good health, when hee is ſtrong, of good memory, & hath time and leaſure, and might aſke counſell if any doubt were of the learned, that then hee ſhould not liue long after, and therefore they defer it to ſuch time, when as it were more conuenient to applie themſelues to the diſpoſitions of their ſoules, then of their landes or goods, except it were that by the

freſh

freſh memorie, and recitall of them at that time, it might bee a cauſe to put them in minde of ſome of their goodes or landes falſly gotten, and ſo moue them to reſtitution, &c. And at that time the penning of ſuch Willes are commonly committed to the Miniſter of ꝑ parish, or to ſome other more ignorãt then he, who knoweth not what wordes are neceſſarie to make an eſtate in fee ſimple, fee taile, for terme of life, or ſuch like, beſides many other miſchiefes: I will therefore here ſet downe ſome of thoſe caſes ẏ are moſt cõmon in ignorant mens mouthes, and doe carrie by the wiſe interpretations of the Iudges, as is afore ſaid, a larger and a more fauorable ſence in Wills then in deeds.

Firſt therfore if one deuiſe to I. S. by his will al his lands & tenements, here not only al thoſe lãds that he hath in poſſeſſiõ do paſſe, but alſo thoſe that he hath the reuerſion of by vertue of theſe wordes te-

freſh memory, & recitall de eux a ceſt temps, il poit eſtre vn cauſe de mitter eux en ment de aſcun de lour biens ou terres fauximent purchaſe & iſſint moue eux al teſtitution, &c. Et a ceſt temps le eſcripture de tiels volunts ſont communement cõmit al miniſter del paroch ou al aſcun auter plus ignorant que luy que ne ſcauoit queux parols ſont neceſſary ꝑ faire vn eſtate en fee ſimple, fee taile, pur terme de vie, ou tiels ſemblables, præter diuers auter miſchiefes: Ieo voyle pur ceo mis cy aſcũs de ceux caſes queux ſont plus common en les bouches de les ignorant hões & portont per le ſcauient interpretations de les Iudges, come eſt auandit, vn large & plus fauourable ſence en Volunts que en Fairs.

Et pur ceo primerment ſi vn deuiſe al I.S. per ſon volunt, toutes ſes terres & tenements, icy non ſolemẽt touts ceux tres que il ad ẽ poſſeſſiõ paſſont, mes auxy ceux de q̃ il ad le reuerſion pvertue de ceux parolx te-

nements.

Et ſi terres ſont deuiſe a vn home a auer a luy imperpetuum, ou auer a luy & ſes aſſignes, in ceux deux caſes le deuiſee auera fee ſimple. Mes ſi ſoit done p feoffement en tiel maner, il nad forſque eſtate pur terme de vie.

Auxy ſi vn home deuiſe ſes terres al auter, pur doner, vender, ou faire de c' a ſon volunt & pleaſure, ceſt fee ſimple.

Vn deuiſe fait al vn & a ſes heires males fait vn eſtate tale: mes ſi tiels parolx ſont mis en vn fait de feoffement, il ſerra priſe fee ſimple, pur ceo que il nappiert de que corps les heires males ſerra ingendre.

Si terres ſont done per fait al I. S. & a les heires males de ſon corps &c. que ad iſſue file, que ad iſſue fites, & moruſt, la le terre reuertera al donour, & le fits del file nauera ceo, pur ceo que il ne poit a luy meſme conueier per heires males, car la mere eſt vn obſtacle a ceo: Mes

nements.

And if lands be deuiſed to a man, to haue to him for euer, or to haue to him and his aſſignes, in theſe two caſes the deuiſee ſhall haue a fee ſimple. But if it be giuen by feoffement in ſuch maner, he hath but an eſtate for terme of life.

And if a man deuiſe his lands to an other, to giue, ſell, or do therewith at his pleaſure or will, this is fee ſimple.

A deuiſe made to one, & to his heires males doth make an eſtate taile: But if ſuch wordes be put in a deed of feoffement, it ſhall bee taken a fee ſimple, becauſe it doth not appeare of what body the heires males ſhall be begotten.

If landes bee giuen by deede to I. S. and to the heires males of his bodie &c. who hath iſſu a daughter, who hath iſſue a ſon, & dyeth, there the land ſhall returne to the donour, and the ſonne of the daughter ſhall not haue it, becauſe he cannot conuey himſelfe by heires males, for his mother is a let thereto, but other-

otherwise it is of such a deuise, for there ꝑson of the daughter shall haue it rather thē ꝯ will shalbe void.

If one deuise to an Infant in his mothers belly, it is a good deuise, otherwise it is by feoffement, graunt, or gift for in those cases ther ought to be one of ability to take ꝓsently or otherwise it is void.

A deuise made in fee simple without expresse words of heires, is good in fee simple.

But if a deuise be made to I. N. he shall haue the land but for terme of life for those words will carry no greater estate.

If one will that his son I. shall haue his land, after the death of his wife, here the wife of ꝯ deuisor shall haue ꝯ lād first for term of life. So likewise if a man deuise his goods to his wife, & that after ꝯ decease of his wife, his son & heire shall haue the house where the goods are, there the son shall not haue the house during the life of the wife for it doth appear that his intent was, that his wife

autermt est de tiel deuise, car la le fits del file ceo auera pluſtoſt que le volunt ſerra void.

Si vn deuiſe al enfant en venire matris ſuæ, ceſt boñ deuile, autermt eſt ꝑ feffement, grant, ou done, car en ceux caſes il doit eſtre vn del habilitie pur prēder maintenant, autermt il eſt voide.

vn deuiſe fait en fee ſimple ſans expreſe parols del heires eſt bon en fee ſimple.

Mes ſi vn deuiſe ſoit al I. N. il auera les terres forſque pur terme de vie, car ceux parols ne voilent porrer greinder eſtate.

Si vn voile q̄ ſon fits I. auera ſon terre puis le mort ſa feme, icy le feme le deuiſor aũa le terre primes pur terme de ſa vie, Iſſint ſi home deuiſe ſes biens a ſa feme, & que apres le deceaſe de ſon feme, ſon fits & heire auera le meaſon, ou les biens ſont, la le fits nauera le meaſon, durant le vie de le feme, car il appiert que ſon intent fuit que ſa feme

doit auer le meaſon auxy pur terme de ſa vie, nient obſtant il ne fuſt deuiſe a luy per expreſſe parols.

Si vn deuiſe ſoit al I.N. & a les heires females de ſon corps engendres, apres le deuiſee ad iſſue fites & file, & moruſt, icy le file auera le terre, & nemy le fits, & vncore il eſt pluis digne perſon, & heif al ſon piere, mes pur ceo que volunt del mort, eſt que le file doit ceo auer. Iey & conſcience voet iſſint auxy.

Et en ceſt point les heathen tueront preciſe, come appiert per ceux verſes de Octauius Auguſtus que Donatus report il ſeloit apres que Virgil a ſon mort donoit cõmaunderñt, que ſes liuers doient eſtre combure, pur ceo que ils fuerõt imperfect, & vncore aſcuns perſuadont que ils doſent eſtre ſaue, come en fait ils happiment fueront, a que il reſpond iſſint: Sed legum ſeruanda fides, ſuprema voluntas: Quod mandat, fierique iubet, parere neceſſe eſt.

ſhould haue ẏ houſe alſo for terme of her life, notwithſtãding it were not deuiſed to her by expreſſe words.

If a deuiſe be to I. N. and to the heires females of his bodie begotten, after the deuiſee hath iſſue a ſonne and daughter, e byeth, here the daughter ſhal haue the land, and not the ſon, and yet he is the moſt worthy perſon, e heire to his father, but becauſe the will of the dead is, that ẏ daughter ſhould haue it, law e cõſcience will ſo alſo.

And herein the very heathens were pzeciſe, as appeareth by thoſe verſes of Octauius Auguſtus which Donatus repozteth he made after that Virgil at his death gaue commandment, that his bookes ſhould be burnt, becauſe they were imperfect, e yet ſome perſwaded that they ſhould be ſaued, as indeed they happily were, to whõ he anſwered thus: But faith and law muſt needs be kept, and what laſt will doth ſay: And what it doth commaund bee done, that needs we muſt obey.

162 Diem clausit extremum.

DIem clausit extremũ, is a writ, & it lyeth where the kings tenant, that holdeth in chiefe dyeth, this writ shall bee directed to the Escheator, to enquire of what estate he was seised, & who is next heire, & his age, & of the certaintie of the land, and of what value the lande is, and of whom it is holden, and ỹ inquisition shal be returned into the Chauncery, which is commonly called, The office after the death of that person. And there is an other writ of Diem clausit extremum, awarded out of the Exchequer, after the death of an accomptant or debtor of his Maiestie, to leuie the debt of his heire, executor, administrators, lands or goods.

Diem clausit extremum.

DIem clausit extremum, est vn briefe, & gist lou le tenant le Roy, que tient en chiefe moruſt, donque ceſt briefe ſerra direct al eſchetor denquirer de quel eſtate il fuit ſeiſie, & que eſt procheine heire, & de quel age, & de la certaintie del terre, & de quel value le tẽre eſt, & de que ceo eſt tenus, & cel inquiſition ſerra returne en le Chauncery, & eſt communement appel, Le office apres le mort del tiel perſon. Et eſt auter briefe de Diem clauſit extremum award hors del Exchequer apres mort del vn accomptant ou debtor al Roy, a leuier le debt de ſon heyre, executor, adminiſtrators, terres ou biens.

163 Discent.

DIscent, is in 2. sorts, either lineal or collateral. Lineall discent is when a discent is conueyed in the same line of ỹ whole blood, as Grandfather, Father,

Discent.

DIscent, eſt en 2. ſortes, ou lineal, ou collateral. Lineal diſcent, eſt quaunt le diſcent, eſt conuey en meſme le lyne dentyer ſangue, come ayle, pecre, fits,

fits, fits del fits, & issint debassa.

Collaterall discent, est dehors en vn auter branch de haut dentier sangue come le frere del ayle, frere del pere, & issint debassa.

Nota que si vn deuie sessie en fee, ou en taile, de t̃re en quel auter ad droit denter, & ceo discend a son heire, tiel discent tollera lentre de cestuy que droyt auoit denter, pur ceo que le heire ad ceux per le discent de son pere, & issint vient a les tenem̃ts p̃ act de ley, & cestuy que droit ad ne puit luyouster p̃ entre sur luy, mes mise de suer son briefe a demaund̃ le terre solonq; le natur̃ de son title. Vide de ceo Littl. lieur 3. cap. 6, & stat̃ 32. H. 8. cap. 33.

sonne, sonnes sonne, and so downeward.

Collateral discent is out in another branch drawn from aboue of the whole bloud, as Grandfathers brother, Fathers brother and so downeward.

Note that if one die seised in fee or in taile of lãd in which an other hath right to enter, & that descendeth to his heire, such descent shal take away the entrie of hun which hath right to enter, for that that the heire hath them by discent from his fathers, & so came vnto those tenem̃ts by the doing of the law, & he that hath right cannot put him out by entring vpon him, but is put to sue his writ to demaund the land, according to the nature of his title. See hereof in Littlt. lib. 3. cap. 6. stat. 32. H. 8. c. 33.

Disclaymer, est lou le Seigniour distraine son tenant, & il sua replevin, & le Seigniour auowa le prisel, per reason

Disclaymer.

Disclaimer, is where the Lord distrayneth his tenant, and he sueth a replevin, & the Lord auoweth the taking, by reason that

that hee holdeth of him, if the tenant say that hee disclaimeth to hold of him, this is called a disclaimer, and if the Lord thereupon bring a writ of Right sur disclaimer, & it be found against ꝑ tenant, he shall lose his land. Also if one bringeth a Præcipe against two other for the land, & ꝑ tenant disclaimeth & saith, that he is not thereof tenãt, neither claimeth any thing therein, then the other shal haue the whole land. But if the Precipe bee brought against one alone, & hee disclaimeth as is aforesaid, the writ shall abate, and yet the demandant may enter into the land, & hold it in his rightfull estate, although his entrie was not lawfull.

que il tient de luy, si le tenaunt dit que il disclaime de tener de luy, ceſt appel vn disclaimer, & si le Seigniour sur ceo port briefe de droit sur disclaimer, & il soit troue encounter le tenant, il perdera le terre. Auxy si vn port vn Precipe vers deux auters pur terre, & le tenaunt disclaime & dit que il nest de ceo tenaunt, ne claime rien en ceo, donques lauter auera tout le terre. Mes si le precipe soit enuers vn sole, & il disclaime, come auant est dit, le briefe abatera, & vncore le demaundant poit enter en le terre, & ceo tener en son droiturel estate comẽt son entrie en fuit loyal.

165 Discontinuance.

DIscontinuance, is whẽ a man alienateth to an other, lands or tenements and dieth, & an other hath right to the same landes, & may not enter into them because of his alienation, as if an Abbot alien the landes of his house to an

Discontinuance.

DIscontinuance, est quãt vn home alien a vn auter terres ou tenementes & moruſt, & vn auter ad droit a meſme le terres & ne puit enter en eux per cauſe de cel alienation, ſicome vn Abbot alien les terres de ſon meaſon a vn

auter

auter en fee, ou en fee tail, ou pur terme de vie, ou si vn home alien les terres que il ad en droit sa feme, ou si tenant en taile fait de les terres done a luy & a ses heires de son corps, ascun feffement, done ē tail, ou lease p̄ vie nient garrāt per statute 32. H 8. per fine ou liuery de seisin, donque tiels alienatiōs sont appels discontinuance, car tiels estates passont toutes foits per liuerie & seisin, & en ceux cases le successour labbe, ne la feme apres le mort son baron, ne lissue en le taile apres le mort le tenaunt en le taile, ne ceux in remainder ou reuersion puis le fine del estate taile, ne poient entre mes chescun de eux est mise a son action.

Vide pluis de ceo en Littleton lib. 3. cap. 11. & 32. H. 8. cap. 28. que tolle discontinuances p̄ baron seisi en droit son feme.

other in fee, or fee taile, or for term of life, or if a man alien the landes that hee hath in the right of his wife, or if tenaunt in the taile maketh of the lands giuē to him & to the heires of his body, any feffemēt, gift in taile, or lease for life not warranted by the statute 32. H. 8. by fine or liuery of seisin, then such alienations bee called Discontinuance, for such estates passe away by liuery & seisin, & in the cases the successour of the Abbot, or the woman after the death of her husband, or the issue in the taile after ẏ death of the tenant in taile, nor they ẏ haue any remainder or reuersion after the end of the estate taile, may not enter, but euery of thē is put to his action.

See more hereof in Litt. lib. 3. c. 11. & 32. H. 8. ca 28. which taketh away discōtinuances by the husband seised in right of his wife.

166 Dismes.

Dismes, sont les dismes parts de asc' chose, mes propremt de ceux choses

Tithes.

Tithes, are the tenth parts of any thing, but properly of those things which

which do increase, wh ch for the most part do belōg to ministers of ꝑ Church for their maintenance, and they be in three sorts deuided, to wit, Prediall tithes, personall tithes, and mixt tithes. Prediall tithes are Tithes that bee paied of thirgs that come of the ground only, as corn, hay, fruits of trees, & such like.

Personall Tithes are tithes to bee paied of such profits as come by the labor and industrie of mans person, as by buying, selling, gaines of merchandize, and of handycraftes men, labourers, and such as work for hire, as Carpenters, Masons, & such like.

Mixt tithes are tithes of calues, lambes, pigs, & such like, that increase partly of the ground that they bee fed vpon, & partly of the keeping, industrie, & diligence of the owner.

que encreale, q̄ux ꝑle pluis part perteigne al ministers desglise pur lour maintenāce & ils sont deuides en iij sorts, nosment Prediall dismes, Parsonel dismes & Mixt dismes, Prediall dismes sont dismes, que sont paid de choses queux vient de le terre solement, come blees, fein, fruits del arbors & tiels semblables.

Parsonell dismes sont dismes q̄ sont paies de tiels profits q̄ veigne ꝑ le labor & industry del person dun home, come per emption & vendition, gain de marchandize, & de manuel crafts homes, laborers, & tiles que labor pur salary, come Carpenters, Masōs, & tiels semblables.

Mixt dismes sont les dismes de vitels, agnes, porcels & tiels semb', que encrease partim̄t del fre, sur q̄ ils sōt depastures, & partim̄t del garding, industry, & diligence del owner.

167 Disparagement.

Disparagement.

Disparagemēt, is a shame, disgrace, or villany don by the Gardeine in Chi-

Disparagemēt, est vn hōte, disgrace, ou villanye fait per le gardein en Chiualrie

ualrie, a ſon garde en chiualry, eſteant deins age p reaſon de ſon mariage.

Come quant le gardein marry ſon ward deins age de xiiij. ans, & deins tiel temps que il ne poit conſét al mariage, al vn nieſe, ou al file dun que demurt en vn borough (que eſt deſte entend tiels que peres profeſſe maincrafts & tiels baſer arts de emption & vendition pur gain lourviuer per ceo) ou al vn que ad forſque vn pee, ou vn maine, ou eſt decreipt, ou deforme, ou aiant horrible diſeaſe, come le leproſie, les pocks de franks, falling ſicknes, ou tiels ſemblables, ou marrie luy a vn feme que eſt paſſe lage de enfanter, & diuers tiels auters, donque lur le complaint fait per les amies de tiel heir, le Seigniour ou gardein perdera le gardſhip & les profits durant le nonage de le heire pur le hont fait a luy. Vide Litt. lib. 2. c. 4.

uairie, to his ward in chiualry, being within age by reaſon of his marriage.

As when the gardeine doth marrie his warde within age of 14. peares, and within ſuch time as he cannot conſent to marriage, to abond woman, or to ỹ daughter of one that dwelt in a borough) which is to bee vnderſtood, ſuch whoſe fathers profeſſe handycrafts, & thoſe baſer arts of buying & ſelling, to get their liuing by) or to one that hath but one foot, or one hand, or is lame, or deformed, or hath ſome horrible diſeaſe, as the leproſy, frenchocks, falling ſickneſſe, or ſuch like, or marrieth him to a woman that is paſt child bearing, & diuers ſuch other, then vpon the complaint made by the frēds of ſuch heir, the Lord or gardeine ſhall looſe the wardſhip, & the profits during the nonage of the heire, for the ſhame done vnto him. See Littleton lib 2. cap. 4.

168 Diſſeiſin.

DIſſeiſin, eſt quaunt vn home ent̄ en aſcun t̄res

Diſſeiſin.

DIſſeiſin, is when a man enters into any lands

or

or tenements, where his entrie is not lawfull, and putteth him out, that hath the freehold.

169 Disseisin vpon disseisin.

DIsseisin vpon disseisin, is when the disseisour is disseised by an other.

170 Disseisor and disseisee.

DIsseisor, is hee which putteth a man out of his land without order of the Law. And Disseisee is hee that is so put out.

171 Deceit.

DIsceit, is a writ, and it is sometime original, & sometime iudicial, but whē it is original, it lieth wher any disceit is done to a mā by an other, so that he hath not sufficiently performed his bargaine, or not promised his promise, then he þ is in such maner deceiued shall haue this writ.

Also when this writ is iudiciall, it lyeth where a Scire facias is sued out of any record against a man, and the Shirife returneth

ou tenements, lou son entrie nest pas congeable, & ousta celuy que ad le frāktenement.

Disseisin sur disseisin.

DIsseisin sur disseisin, est quaunt le disseisour est disseisie per vn auter.

Disseisor & disseisee.

DIsseisor est celuy que mist ascun hors de son terre sans order de ley. Et disseisee est celuy que est issint mis hors.

Disceit.

DIsceit est vn briefe, & est ascun foits original, & ascun foits iudiciall, mes quāt il est original, gist lou ascun disceit est fait a ascū home þ vn auē, issint que il nad sufficientmēt pforme son bargain, ou nient performe son promise, donques celuy que est en tiel manner disceiue auera cest briefe.

Auxy quaunt cest briefe est iudiciall, il gist ou Scire facias est sue hors de ascun recorde vers vn, & le Vicount retourne

que

que il eſt garnie, ou il ne fuit garnie, ou lou vn Præcipe quod reddat de plee de terre, ou Quare impedit del preſentment al egliſe eſt ſue vers vn, & le vicont returne que le defendant eſt ſumꝑ, ꝓ quel diſceit & faux retorn le demandant ou plaintife recouer, donques le partie greeue auera ceſt briefe vers celuy que recouera, & vers les ſummoners, & vers le vicont, & donques le briefe ſerra direct al Coroners de meſme le Countie, ſi il continue vicont que fiſt le retorne.

172 Diſtreſſe.

Diſtreſſe, eſt le choſe que eſt priſe & diſtraine, ſur aſcun terre pur rẽt arrere, ou pur auter dutie, ou pur tort fait, coment que le ꝓpertie de choſe ſoit perteignant al eſtrange: Mes ſi ſont auers que perteigne al eſtrange, il couient que ils ſont leuant & couchant ſur meſme le terre, ceſt adire, que les auers auoiẽt

that hee is warned where hee was not warned, or where a Præcipe quod reddat of a plee of lands, or a Quare impedit of the preſenting to a church is ſued againſt one, & the Shirife retourneth that the defendant is ſummoned, where he was not ſummoned, by which diſceit and falſe returne the demaundant or plaintife recouereth, then the partie grieued ſhall haue his writ againſt him that recouered, & againſt the ſummoners, & againſt the Shirife, and then the writ ſhal be directed to the Coroners of the ſame countie, if he continue ſhirife that made the return.

Diſtreſſe.

Diſtreſſe, is the thing which is taken and diſtrained vpon any land for rent behind, or other duty, or for hurt done, although that the propertie of the thing belongeth to a ſtrãger: But if they be beaſts that belong to a ſtranger, it behoueth that they were leuant and couchant vpon the ſame ground, that is to ſay, that ẽ beaſtes haue

beene

bein vpon the ground certaine ſpace, that they haue themſelues well reſted there, or elſe they bee not diſtrainable for rent or ſeruice.

And if one diſtraine for rent, or other thing without cauſe lawfull, then the party grieued ſhall haue a Repleuin, & vpon ſuertie found to purſue his actiõ, ſhall haue the diſtreſſe to him deliuered again. But there bee diuers things which be not diſtrainable. viz. an other mans goowne in the houſe of a Taylor, or cloth in the houſe of a fuller, Sheareman, or Weauer, for that they bee common Artificers, & that the common preſumption is, that ſuch things belõg not to the Artificer, but to other perſons which put them there to be wrought.

Alſo vitail is not diſtrainable, nor corne in sheues, but if they be in a cart, for that, that a diſtreſſe ought to be alway of ſuch things wherof ẽ ſhirtk may make repleuin, & deliuer againe in as good caſe as it was at the time of the taking.

eſte ſur le terre per certaine ſpace que il ont eux bien repoſe ſur la terre, ou auterment ils ne ſont diſtreinable pur rent ou ſeruice.

Et ſi vn diſtreine pur rẽt ou auter choſe ſauns cauſe loyal, donques le partie greeue auera vn Repleuin, & ſur ſuertie troue de purſuer ſon action, auera le diſtreſſe a luy redeliuer. Mes ſont diuers choſes que ne ſont diſtreinable, viz. roab de auter home en le meaſon de vn Tailor, ou drape en le meaſon de vn Fuller, Sheereman, ou Weauer, pur ceo que ils ſont common artificers, & q̃ le common preſumption eſt, que tiels choſes ne ſont perteignant al Artificer, mes al auters perſons que eux mittont la a ouerer.

Auxy viand' neſt pas diſtreinable, ne blees en ſheues, ſinõ que ils ſont en vn chariot, pur ceo que diſtres couient eſte touts foits de tiel choſe dõt le vicõt poit faire repleuin, & redeliuerie en auxy bon caſe que il fuit al temps del priſel.

Auxy home poit diſtrain pur homage de ſon tenant pur fealtie, & eſcuage, & auē ſeruices, & pur fines & amerciamts que ſōt aſſeſſe en vn Leete, mes nemy en vn Court baron. Et auxy pur damage feſant, ceſt adire, quaunt il troue les beaſtes oubiens des auters feſant tort ou incumbrant ſon terre. Mes home ne poit diſtraine pur aſcun rēt ou choſe due pur aſcun terre, mes ſur meſme le terre que eſt charge oueſque ceo: Mes en caſe lou ieo veigne a diſtreiner, & lauter veyant mon purpoſe chaſe les beaſtes, ou port le choſe dehors, al entent que ieo ne prendra ceo p̄ diſtres ſur le terre, donques ieo poy bien purſue, & ſi ieo priſe ceo maintenant en le hault chimin, ou en auter ſoyle, le priſel eſt loyal, auxybien la come ſur la terre charge, a quecunque la propertie des biens ſont.

Auxy pur fines & amerciamts que ſōt aſſeſſe é vn Leete, vn poit touts foites prender les biēs celuy que

A man may diſtraine for homage & fealty, and eſcuage, & other ſeruices, and for fines & amerciaments which bee aſſeſſed in a Leete, but not in a Court baron. And alſo for damage feſant, that is to ſay, when he findeth the beaſts or goods of any other doing hurt or cumbring his ground: But a man may not diſtraine for any rent or thing due for any land, but vpon the ſame land that is charged therwith: But in caſe wher I come to diſtraine, and the other ſeing my purpoſe chaſeth the beaſtes, or beareth the thing out, to the intent that I ſhall not take it for a diſtreſſe vpon the ground, then I may well purſue, & if I take it preſently in the high way, or in an others ground, the taking is lawfull, as well there, as vpon the lande charged, to whom ſoeuer the propertie of the goods bee.

Alſo for fines & amerciaments which be aſſeſſed in a Leete, one may alway take the goods of him that is

is so amerced, in whose ground soeuer they bee within the iurisdiction of the Court, as it is said.

And when one hath taken a distresse, it behoueth him to bring it to the common pound, or else he may keep it in an open place, so that hee giue notice to the party, that hee (if ẽ distres be a quick beast) may giue to it fode, and then if the beast die for defait of fod, hee that was distrained haithe at the losse, and thẽ the other may distraine againe for the same rent or duetie. But if hee carry the distres to a hold, or out of the Countie, that the Shirif may not make deliuerance vpon the Replevin, then the party vpõ the returne of the Shirif, shall haue a writ of Withernam directed to the Shirife, that hee take as many of his beastes, or as much goodes of ẽ other in his keeping, till he hath made deliuerance of the first distresse. And also if they be in a forflet or Castel, the Shirife may take with him the power of the

est issint amerce, ẽ quecũque soile que ils sont deins le iurisdiction del court, vt dicitur.

Et quant vn ad prise vn distresse, il couient a luy de amesner ceo al common pound, ou autermẽt il poit garder en ouert lieu, issint que il done notice al partie, que il (si le distres soyt viue auers) poyt doner a luy viande, & donques si le auers morust pur default de viand, celuy que fuit distraine serra a le parde, & donques lauter poyt distraine auter-foyts pur mesme le rent ou duetie. Mes sil amesna le distresse a vn forflet, ou hors del Coũtie, que le vicont ne poit bien faire deliuerance sur repleuin, dõcs le partie sur le retourne del Vicont auera vn briefe de Withernam direct al Vicont, que il prendra tant de ses auers, ou tant des biens lauter en son garde, tãque il ad fait deliuerãce de le primer distres. Auxy si sont en vn forflet ou Castel, le Vicount poit prender oue luy le power del

Coſtie, & abater le caſtel. Come appiert per leſtatut Weſt. 1. cap. 17. Ideo vide Statutum.

County, & beat downe the caſtle. As it appeareth by the ſtatute Weſt. 1. ca. 17. therfore looke the ſtatute.

173 Diuorce.

DIuorce iſſint appell de Diuortium, veniens del verbe Diuerto, que ſignifie de retorner arere, ceſt eſt vſe en ley quaunt vn home eſt ſeperate de ſa feme, il luy retorne arere a ſa pere, ou auter amies, ou al lieu del que il luy ad, & per tiel diuorce le marriage eſt defeate & deſtroy.

Diuorce.

DIuorce, ſo called of Diuortium, comming of the verbe Diuerto, which ſignifieth to returne back, it is vſed in the law when a mã is diuorced from his wife, he turneth her back hõe to her father or other friendes, or to the place from whence he had her, & by ſuch diuorce the marriage is defeated & vndone.

174 Donor & Donee.

DOnor eſt celuy q̃ done terres ou tenements al auter en taile, & celuy a que il eſt done eſt appell Donee.

Donor, and Donee.

DOnor, is hee which giueth lands & tenemẽts to another in taile, and he to whom the ſame is giuen is called Donee.

175 Double plee.

DOuble plee, eſt lou le defendaunt ou tenaunt en aſcun action plede vn plee, en que deux matters ſont comprehendus, & cheſcun per luy meſme eſt vn ſufficient barre ou reſpons al action, donques tiel double plee ne ſerra admit p̃ plee, ſinon que vn

Double plee.

DOuble plee, is where the defendant or tenãt in any action pleadeth a plee, in ꝑ which two matters bee comprehended, & euery one by himſelfe is a ſufficient barre or anſwer to the action, then ſuch a double plee ſhal not be admitted for a plee, except one depend

depend vpon an other, and in such case it hee may not haue the last plee without the first plee, then such a double plee shall bee well suffered.

depend sur lauter & en tiel case si il ne poyt auer le darreyne plee saues le primer plee, donques tiel double plee serra bien suffer.

176 Dower.

DOwer, by the law of the Realme, is a portion which a widow hath of the lands of her husband, which by the common law is the third part, & by her husbands assignement by his fathers assent at the church doze, she may haue somuch of his fathers lands, as is so assigned, & so of the husbands assignemēt of part of his owne land. And dower by the custom of some places, is to haue half the husbands lands. And also Dower is a writ, and it lyeth where a man is sole seised during the couesture betweēy him and his wife, of lands or tenemēts in fee simple, or fee taile, where by possibilitie the issue betweene them may inherite, if such a man die, his wife shall recouer the

Dower.

DOwer, per le ley del Realme, est portiō quel feme ad del terres le baron quel per common ley, est le tierce part, & per assignement del baron p assent son pere al huis del esglise, & poit auer tant del terre son pere come est assint assigne, & issint del assignemēt del baron del part son terre demesne. Et Dower per custome de ascun lieux est dauer le moitie del terre le baron. Et auxy Dower est va briefe, & gist lou home est sole seisie durant le couerture perenter luy & sa feme, de terres ou tenementes en fee simple, ou fee taile, lou per possibilitie le issue enter eux poyent enheriter, si tiel home deuie, sa feme recouera la

tierce part de touts les terres dont le baron fuit sole seisie ascun temps durant le couerture per briefe de Dower vnde nihil habet mesque il ne moruſt seisie & mesque il ad fait alienation de ceo en sa vie.

Mes si home deuaunt le Statute de Vses 27. H. 8. ad terres, é queux auter hõe, ou auters homes fueront seisies a sõ oeps touts foits durant le couerture, & cesty a que oeps ils fueront seisies deuie deuaunt le dit Statute, sa feme ne serroit endow.

Et auxy si deuaunt le dit Statute deux homes sont seisies de terre al oeps de vn de eux & cesty a q̃ oeps &c. deuy deuaunt le dit Statute sa fem̃ ne serra indow. Auxy si feme port bẽ de Dower, el recouera dammages, pur le profit incurrus aps le mort le baron sil moruſt de ceo seisie, mes si ascun alienation ou estate soit fait durant le couerture, issint que le baron ne moruſt seisie, donques mesque el recouera

third part of all the lands wherof the husband was sole seised any time during the couerture by a writ of Dower vnde nihil habet, though he died not seised, and though that hee made alienation thereof in his life.

But if a man before ỹ statute of Vses 27. Hen. 8. had lands, in the which an other mã, or other men were seised to his vse alwayes during the couerture, and hee to whose vse they were seised dyeth before ỹ said statut, his wife shall not bee indowed.

And also if before the said Statute two men be seised of lands to the vse of one of them, & he to whose vse &c. dieth before the said statute, his wife shall not be indowed. Also if a woman bring a writ of Dower, she shal recouer dammages, for ỹ profit run after ỹ death of her husbãd, if hee dieth thereof seised, but if any alienation or estate were made during ỹ couerture, so that the husband dyed not seised, then though shee shall recouer

the

the lande, yet ſhee ſhall recouer no dammages. Alſo there is an other writ of Dower, called a writ of Right of Dower, and it lieth where a woman hath recouered part of her dower in one towne, & the other part theis to recouer. Alſo in diuers caſes a woman ſhal not haue dower, as if the huſband commit treaſon, for the which hee is attainted, then his wife ſhall haue no dower. Alſo if ſhee goe away from her huſband with another man in aduowtry, and if ſhe be not reconciled by her huſband of his owne will without coherſion of the Church, ſhee ſhall not bee indowed. See Littelon lib. 1. cap. 4.

And ſo note, where in the Ciuill law, Dower is that which the huſband hath with his wife for the mariage, to maintaine the married eſtate, by the lawes of the Realm, by the word (Dower) is meant ſuch portion as the wife after her huſbands death ſhall haue to liue on.

la terre, vncore el ne recouera dammages. Auxy il eſt vn auter brē de Dower, appel briefe de droit de dower, & gift lou feme ad recouer parte de ſa dower en meſme la ville, & auter parte el eſt a recouer. Auxy en diuers caſes feme naueera dower, ſicome le baron fait treaſon, pur que il eſt attaint, donq; ſa feme naueera Dower. Auxy ſi el elopa de ſon baron oueſque vn auter home in aduowtry, & ſi el ne ſoit reconcile per ſon baron de ſon bone volunt ſauns coherſion del Eſgliſe, el ne ſerra endowe. Vide Littleton lib. 1. ca. 4. Et iſſint nota que lou per Ciuill ley Dower eſt ceo, que le baron eyt oue ſa feme pur le mariage, de maintainer lour ioyned eſtate, per les leyes del Realme, per le parol (Dower) eſt intende, le portion, que le feme, puis le mort del baron, auera pur ſa viuer.

177 Droit.

DRoit eſt lou vn ad choſe que fuit tolle de auter p̄ torte, come per diſſeiſin, diſcontinuance, ou eiectment, ou tiels ſemblables, & le challenge ou claime q̄ il ad que auoit le choſe, eſt terme droit.

Right.

RIght, is where one hath a thing that was tak̄ from an other wrōgfully, as by diſſeiſin, diſcontinuance, or putting out, or ſuch like, & the challenge or claim that he hath, who ſhould haue the thing, is called Right.

178 Droit dentre.

DRoit dentre, eſt quaunt vn ſeyſie de terre en fee, eſt de ceo diſſeiſi: Ore le diſſeiſee ad droit dentre en le terre, & poet quaunt il voyle, ou il poet auer briefe de droit enuers le diſſeiſor.

Right of Entrie.

RIght of Entrie, is when one ſeiſed of lād in fee, is ther of diſſeiſed: Now the diſſeiſee hath right to enter into the land, & may ſo doe when hee will, or elſe he may haue a writ of right againſt the diſſeiſor.

179 Dum non fuit compos mentis.

DVm non fuit compos mentis, eſt vn briefe & giſt lou home que eſt hors de ſon bone memory, ceſt adire, inſane ou lunatique alien les terres que il ad in fee ſimple, & deuie, donq̄s ſon heire apres ſon deceaſe auera ceſt briefe, mes il meſme nauera ceſt brief, p̄ ceo que hōe, ne ſerra reſceiuea diſabler luy meſme: Auxy ceſt briefe puit eſte fait en le per, cui, & poſt.

Dum non fuit compos mentis.

DVm non fuit compos mentis, is a writ, and it lyeth when a man that is out of his wits, that is to ſay, mad or lunatike alieneth the land that he hath in fee ſimple, & dyeth, then his heire after his deceaſe ſhall haue this writ, for that that a man ſhall not be receiued to diſable himſelfe. Alſo this writ may be made in the Per, Cui, and Poſt.

180 Dum fuit infra ætatem.

DVm fuit infra ætatem, is a writ, and it lyeth where an Infant within age alieneth his lande which hee hath in fee simple, or for term of life, & hee he commeth to his full age hee shall haue this writ, or he may enter if he will, but it behoueth that he be of ful age the day of his writ brought. Also if an infant alien his land, & die, his issue at his ful age shal haue this writ, or he may enter, but the issue shal not haue this writ within his age.

181 Dures.

DVres, is where one is kept in prison, or restrained from his libertie contrarie to the order of the Law, or threatned or menalled to be killed, maimed, or greatly beaten, & if such person so in prison, or in feare of such threatnings, make any specialty or obligation, by reason of such imprisonment, such a deed is voide in the law, & in an action brought vpon such an especialty he may say that it was made by

Dum fuit infra ætatem.

DVm fuit infra ætatem, est vn briefe, & gist lou Enfant deins age alien sa terre que il ad en fee simple, ou pur terme de vie, quant il vient a son pleine age il auera cest briefe, ou il puit enter sil voile, mes il couient q̄ il soit de plein age, iour de son briefe purchase. Auxy si enfant alien sa terre, & deuie, son issue a son pleine age auera cest briefe, ou puit enter. mes le issue nauera cest briefe deins son age.

Dures.

DVres, est lou vn home est garde en prison, ou restraine de son libertie contrarie al order de ley, ou manasse deste occide, maiheme, ou graundment batue, & si tiel person issint en prison, ou pauour pur tiel manasse, fait ascun especialtie ou obligation, per reason de tiel emprisonment, tiel fait est voide en le ley, & en action port sur tiel especialtie puit dire que il fuit fait per

dures

dures de son imprisonmẽt, mes si home soit arrest sur ascun action al suite vn auter, mesque le cause del action ne soit bone ne voir, sil faite ascun obligation a vn estrange esteant in prison per tiel arrest, vncore il ne serra dit per dures: mes sil fait obligation a luy a que suit il fuit arrest deste discharge de tiel imprisonment, donques il serra dit dures, vt dicitur.

E

182 Electione firme.

Electione firme, vide de ceo en le title, Quare eiecit infra terminum.

183 Electment de garde.

Electment de garde, vide de ceo en le title Gardes.

184 Eire Iustices.

Eire Iustices, ou Itinerant, come nous appelle eux fueront Iustices que vse de equitare de lieu al lieu per tout le Realm pur administer justice.

185 Elegit.

Tener per Elegit, est lou home ad recouures of imprysonment, but of a man bee arrested vpon an action at the suit of an other, though ỹ cause of the action bee not good nor true, if he make an obligation to a Stranger being in prison by such arrest, yet it shal not bee said by dures: But if he make an Obligation to him at whose suit hee was arrested to bee discharged of such imprisonment, then it shal be said Dures, as it is said.

E

Electione firme.

Electione firme, looke for that in the title Quare eiecit infra terminum.

Electment de garde.

Electment de garde, look for that in the title of Gardes.

Eire Iustices.

Eire Iustices, or Itinerant, as wee call them, were Iustices that vse to ride from place to place through out the Realme to administer justice.

Elegit.

TO hold by Elegit, is where a mã hath recouered

ueed debt or damage by a writ against an other by confession, or in other maner, hee shall haue within the yeare against him a writ iudicial called Elegit to haue execution of the halfe of all his landes and chattels (except Oxen & beasts of the plough) till the debt and damages bee wholy leuied and paied to him, and during the terme hee is tenant by Elegit.

And note wel, that if he be put out within ẏ term, he shall haue Assise of Nouel disseisin, & after a Redisseisin if need bee, & this is gyuen by the statute of Westminster 2. cap. 18.

And also by the equitie of the same statute, he that hath his estate, if he be put out shal haue Assise & Redisseisin if need be. And also if he make his executors and die, and his executors enter, & after bee put out, they shal haue by the equitie of the same statute, such action as he himself before said. But if he be put out, and after make his executors and die, his executors

uer debt ou damage ꝑ bre deuers vn auter per Conusance ou en auť maner, il auera deins le an deũs luy vn bř iudicial nosme Elegit daũ execution de moyty de touts ses tres & chattels (except Beofs & auers a la carues) tanque le debt ou les dammages soyent ousterment leues ou paies a luy, & durant cest terme il est tenaunt per Elegit. Et nota sil soyt ouste deins le terme il auera Assise de Nouel disseisin, & apres vn redisseisin si besoygne soit, & cest done per le estatute de Westminister 2. cap. 18.

Et auxy per le equity de mesme le statute celuy que ad son estate, sil soyt ouste auera Assise & redisseisin si besoigne soyt. Et auxy sil face ses executours & deuie, & ses executours entront & puys soyent oustes, ils aueront per lequity de mesme lestatute tiel action come luy mesme suisdit. Mes sil soyt ouste, & puis faite ses executors & deuy, ses executors pur-

purront enter & ſils ſoyent eſtops de lour entre ils aueront vn briefe de treſpas ſur lour matter & caſe.

Et nota ſil face waſt en tout la terre ou en parcel, lauter auera enuers luy maintenant vn briefe iudiciall hors de la primer record appell Venire facias ad computandum, per force de quel ſerra inquiſe ſil ad leuy touts les deniers ou parcell, & ſil nad leuy les deniers, donques ſerra inquiſe a quaunt le waſte amount, & ſi le waſte amount ſinon a parcel dõques tants des deniers que le waſte amount ſerra abridge de les ſuiſdits deniers queux fueront eſtre leuies. Mes ſil ad faite pluis waſte que le auantdit ſumme de argent que fuit a eſtre leuy amount, lauf ſerra diſcharge mayntenant de toutes les deniers ſuiſdits & recouera ſa terre. Et pur la ſuperfluitie de waſte fayt ouſter ceo que amount a le dit ſumme, il recouera ſes

may enter, and if they bee ſtopped of their entry, they ſhall haue a writ of Treſpaſſe vpon their matter & caſe.

And note well if he doe waſt in al the land or parcel, the other ſhall haue againſt him immediatly a writ iudiciall out of ỹ firſt record called Venire facias ad Computandũ, by which it ſhall bee inquired if hee haue leuied all the money or parcell, and if hee haue not leuied the money, then it ſhall bee inquired to how much the waſte amounteth, and if the waſt amount but to parcel, thẽ as much of the money as the waſt amounteth vnto, ſhalbe abridged of ỹ foreſaid money which was to be leuied. But if hee haue done more waſte then the foreſaid ſumme of money which was to be leuied, amounteth, the other ſhalbe diſcharged by and by of all the ſaid mony, and ſhal recouer the lande. And for the ſuperfluitie of the waſt made aboue that that amounteth to the ſaid ſumme he ſhal recouer his dam-

damages ſingle, and the ſame law is of his executors, and alſo of him that hath his eſtate.

And note, that if hee alien in fée, for term of life, or in taile, all or parcell of the land, which he holdeth by Elegit, if the alienation be made within the terme or after, hee which hath right, ſhall haue againſt him an Aſſiſe of Nouel diſſeiſin, And they both muſt be put in the aſſiſe, the alienor, and the alienee, and notwithſtanding that the alienor die preſently, yet hee which hath right ſhall haue Aſſiſe againſt the alienee alone, as if the alienee had bin a plaine tenãt for terme of yeares, & that is by the equitie of the ſtatute of Weſt. 2. cap. 25. for that that hee hath not but a chattell in effect: and the ſame law is of his executors, and of him which hath his eſtate, as afore ſaid.

And not well that in Elegit if the ſhiriſe return that he hath nothing but by of the Recogniſans made, but y hee purchaſed lands

damages ſingle, & meſme le ley eſt de les executors & auxy de ceſtuy que ad ſon eſtate.

Et nota, ſil alien en fee, ou a terme de vie, ou en taile, tout le terre ou parcel de la terre, que il tient per Elegit, ſi le alienation ſoit fait dejns le terme ou apres, ceſtuy que ad droit auera vers luy vn Aſſiſe de Nouel diſſeiſin. Et couient que ils ſoient mis en laſſiſe ambideux, auxibien le alienor come le alienee, & non obſtant que lalienor deuie maintenant, vncore ceſtuy que ad droit auera vers le alienee ſole Aſſiſe, come ſil vſt eſtre ſon ſimple tenant a terme de ans. Et ceo eſt per le equitie del ſtatute de Weſt. 2. cap. 25. pur ceo que il nad ſinon chattel en effect: & meſme le ley eſt de ſes executours, & de ceſtuy que ad ſon eſtate, come eſt ſuiſdit.

Et nota que en Elegit ſi le Vicount returne que il auoyt ryens iour de la Recogniſaunce faite mes que il purchaſe terre

puis

puis le temps, adonques le partie plaintife auera nouel briefe de auer execution de ceo : meſme le ley eſt de vn eſtatute marchant.

Et nota que apres le Fieri facias vn home poyt auer le Elegit, mes non contra, entaunt que le Elegit eſt de pluis haut nature que le Fieri facias. Et nota que ſi home recouer per briefe de det & ſue vn Fieri facias, & le vicount returne que le defendaunt nad ryens dont il poit faire gree a la partie, donques le plaintife auera vn Elegit, ou vn Capias ſicut alias, & Pluries. Et ſi vicount returne a le Capias mitto vobis corpus, & il nad riens dount il poyt fait gree al partie, il ſerra maund al gayle del Fleete, & illonques demurra tanq; il ad fait gree al partie, & ſi le vicount returne, Non eſt inuentus, adonques iſſera Lexigent enuers luy. Et nota que en briefe de dette port deuers parſon de Saint Eſgliſe, que nad

after the time, then the party plaintife ſhal haue a new writ to haue execution therof: the ſame law is of a ſtatute marchant.

And note well, ỹ after a Fieri facias a man may haue the Elegit, but not contrarywiſe, for that the Elegit is of more higher nature then the Fieri fac'.

And note well, that if a man recouer by a writ of debt, & ſueth a Fieri facias, & the Shirif returne that the defendāt hath nothing wherof he may ſatiſfie the debt to the party, then the plaintif ſhal haue Elegit, or Capias ſicut alias, & a Pluries, And if the Shirif returne to the Capias, Mitto vobis corp', & he haue nothing wherof he may make ſatiſfaction to the party, he ſhal be ſent to the priſon of the fleet, and there ſhall abide vntill hee haue made agreemēt with the party, and if the Shirif returne, Non eſt inuētus, thē there ſhal goe forth an Exigēt againſt him. And note well ỹ no writ of debt brought againſt a Parſon of holy Church, which hath nothing

thing of lay fee, and the Shirife returneth that he hath nought by which hee may bee ſummoned, then ſhall the plaintife ſue a writ to the Biſhop, that hee make his Clerke to come, and the Biſhop ſhal make him to come by ſequeſtration of the church.

rien de lay fee, & le Vicont retourne que il nad riens per que il poit eſtre ſummone, a donques le plaintife ſuera briefe al Eueſque que il face vener ſo clerke, & Leueſque luy ferra vener per ſequeſtration del Egliſe.

And note well, that if a man bring a writ of debt, and recouer, and make his executors and dyeth, they ſhall not haue execution, notwithſtanding that it bee within the yeare by a Fieri facias.

Et nota bene, que ſi hõe port briefe de det & recouer, & face ſes executors & deuie, ils naueront execution, non obſtant que il ſoit deins lan per vn Fieri facias.

186 Elopement.

ELopement, is when a married womã departeth from her huſband with an adulterer, & dweleth with the adulterer without voluntary reconcilement to her huſband, by that ſhee ſhall loſe her Dower by the ſtatute of weſt. 2. cap. 34. whereupon a verſe hath beene made in this maner.

Elopement.

ELopement, eſt quaunt feme eſpouſe departa de ſon baron oue vn adulterer, & oue le adulterer demurra ſauns voluntary reconcilement a ſa baron, ceo el perdra ſa Dower per le ſtatute ne Weſtminſter 2. Cap. 34. Sur que vn verſe ad eſtre fait en cel maner.

Shee that her huſband leaues, & liueth in adultery, and is not freely reconciled, ſhall looſe her Dowry.

Sponte virum mulier fugiens & adultera facta,
Dote ſua careat, niſi ſponte ſponſo retracta.

187 En-

187 Embrasour ou Embraceour.

EMbrasour ou Embraceour, est celuy que quant vn matter est en trial per enter partie & partie vient al barre oue vn del parties (ayant receiue asc' reward pur issint faire) & parle en le case, ou priuermẽt labor le lurie, ou stat la pur surueier ou suruiew eux per cest means de mittr eux en pauour & doubt del matter. Mes hões que sont erudite en ley, poyent parle en le cas pur lour clients.

Embrasour, or Embraceour.

EMbrasour, or Embraceour, is hee that when a matter is in trial between party & party, commeth to the barre with one of the parties (hauing receiued some reward so to do) and speaketh in the case, or priuily laboureth the Iurie, or stãdeth there to suruey or ouerlooke them, thereby to put them in feare and doubt of the matter. But men that are learned in the law, may speake in the case for their Clients.

188 Encrochment.

ENcrochment, est dit quaunt le Seigniour ad happa seisin de pluis rent ou seruices de son tenaunt que de droit est due ou doit este pay ou fait a luy: Come si le tenant tient sa terre de son Seigniour per fealtie & ij.s. rent annuelmẽt, & ore de tardif temps le Seignior ad happa seisin de iij.s. rent, ou de homage ou escuage, ou tiels semblables: Donques cest appel vn Encrochment de cest rent ou seruice.

Encrochment.

ENcrochment, is saide when the Lord hath gotten seisin of more rent or seruices of his tenaunt then of right is due, or ought to be paied or done vnto him: As if the tenant hold his lande of his Lord by fealtie and ij.s. rent yeerely, and now of late time he hath got seisin of iij s. rent, or of homage, or escuage, or such like: Then this is called an Encrochment of that rent or seruice.

189 En-

189 Enheritance.

ENheritance, is such estate in lands or tenements, or other things, as may bee inherited by the heire, whether it bee in estate for fee simple, or taile, by discent from any of his auncestors, or by his owne purchase.

And inheritance is divided into two sorts: that is to say, inheritance corporate, and inheritance incorporate.

Inheritance corporate are meisuages, landes, medowes, pasturages, rents, & such like, that haue substance in themselues, and may continue alwayes: & these are called corporall things.

Inheritãce incorporate are aduowsons, villaines, waies, commons, courts, fishings, & such like, that are, or may bee appendant or appurtenant to inheritances incorporate.

190 Entre.

ENtre, is where a man entreth into any landes or tenements in his proper person, or any other by his commandement.

Enheritance.

ENheritance est tiel estate en terres ou tenements, ou autres choses, que poyent estre enherit p le heire, soit ceo de estate en fee simple, ou taile, per discent de ascun de ses ancestors, ou person purchase demesne.

Et enheritance est diuide en deux sorts: ceste ascauoir, enheritance corporate, & enheritance incorporat.

Enheritance corporate sont messuages, fres, prees, pastures, rets, & tiels semblables, que ont substãce & eux mes, & poyent continuer tout tẽps: Et ceux sont appel choses corporal.

Enheritance incorporat sont aduowsons, villaines, waies, commons, courtes, piscaries, & tiels semblables que sont, ou poiẽt este appendant ou appurtenãt a enheritance incorporat.

Entre.

ENtre, est lou vn home entra en ascun terres ou tenements en son proper person, ou ascun auter, per son commaundement.

Auxy ſont diuers briefes de Entre queux ſont en diuers manors. Vn eſt bꝛe de Entre ſur diſſeiſin, & ceſt briefe giſt lou home eſt diſſeiſie, il ou ſon heire lauantdit brief auera vers meſme le diſſeiſor, ou aſcũ auter apres tenant del terre. E ſi le diſſeiſor alien ou deuie ſeiſie, donques le briefe de Entre ſerra vers le heire oueſque le alienee en le Per, ceſt adire, en que le tenaunt non habet ingreſſum niſi per tiel, noſmant le diſſeiſor, que luy auoit diſſeiſie &c.

Et ſi le heire ou alienee deuie ſeiſie, ou aliena al auter, donques le briefe ſerra en le Per & Cui, ceſt adire, en que le tenaunt non habet ingreſſum niſi per tiel, noſmant le heirẽ ou le alienee del diſſeiſour, Cui tiel (noſmant le diſſeiſour) il dimiſit, que luy per tort diſſeiſie &c.

Et ſi terre ſoit conuey ouſter al pluſours, ou ſi le primer diſſeiſour ſoit diſſeiſie, donq̃s le bꝛe de Entr̃ ſerra en le Poſt, ceſt adire,

Alſo there bee diuers writs of Entrie which lie in diuers maners. One is a writ of Entre ſur diſſeiſin, and this writ ſpeth where a man is diſſeiſed, hee or his heire ſhall haue this writ againſt the diſſeiſor, or any other alien tenant of the land. And if the diſſeiſor alien and die ſeiſed, then the writ of Entrie ſhall be againſt the heire with the alienee in the Per, that is to ſay, in which the tenant hath no entrie but by ſuch a one, naming him diſſeiſor, which him hath diſſeiſed.

And if the heire or alienee die ſeiſed, or alieneth to an other, then the writ ſhal be in the Per and Cui, that is to ſay, into which the tenant hath no entrie but by ſuch a one, naming the heire or alienee of the diſſeiſor, to whom ſuch a one (naming the diſſeiſor) did let it, which by force diſſeiſed him &c.

And if land be conueied ouer to many, or if the firſt diſſeiſor bee diſſeiſed, then the writ of Entrie ſhall be in the Poſt, that is to ſay, that

that the tenaunt hath no entrie but after the disseisin, which ꝑ first disseisor made to the demandant or his auncestor. See after Entre en le Per.

que le tenãt non habet ingressum nisi post disseisinã, quel le primer disseisor fait al demaundant ou son ancestor. Vide apres Entre en le Per.

191 Entre in the Per, Cui, & Post.

A writ of Entre in the Per, lieth where a man is disseised of his freehold and the Disseisour alieneth or dieth seised, & his heire entreth, then the disseisee or his heire shall haue ꝑ said writ against ꝑ heire of the disseisor, or against the alience of the disseisor, but liuing the disseisor hee may haue an Assise if he will, & the writ of Entre shal say, in quod A. non habet ingressum nisi per B. qui illud ei demisit, qui inde eum iniuste disseisiuit, &c. But if the disseisor alie, & the alienee dieth seised, or alieneth ouer to another, or if the disseisor die, & his heire enter, and that heire alieneth or dyeth, and his heire entreth, then the disseisee or his heire shall haue a writ of Entre sur disseisin in the

Entre en le Per, Cui, & Post.

Briefe de Entre en le Per gist lou home est disseise de son franktenement, & le Disseisor alien ou deuie seisie, & son heire entra, donques le disseisee ou son heire auera le dit briefe vers le heire le disseisor, ou vers le alienee le disseisor, mes viuant le disseisor il poit auer Assise si il voyle, & le briefe de Entré dirra, in quod A. non habet ingressum nisi per B. qui illud ei demisit, qui inde eum iniuste disseisiuit, &c. Mes si le disseisor alien, & le alienee deuy seisie, ou alien ouster a vn auter ou si le disseisor deuie, & son heir entra, & celuy heir aliena ou deuie, & son heir entra, donques le disseisee ou son heire autra briefe de entre sur disseisin en le

Per & Cui, Et le briefe dirra, in quod idem A. nō habet ingreſſum niſi p̄ B. cui C. illud ei dimiſit, qui inde iniuſte, &c.

Et nota bien, que nul briefe de entre en le Per & Cui, ſerra mainteinable vers nulluy, mes lou il que eſt tenaunt ſoit eins per purchaſe ou per diſcent: Mes ſi le alienation ou diſcent ſoit deuenus hors des degrees, ſur quel nul briefe poet eſtre fait en le Per, ne en le Per & Cui, donques ſerra fait en le Poſt, & le briefe dirra, in quod A. non habet ingreſſum niſi poſt diſſeiſinam, quam B. inde iniuſte & ſine iuditio fecit præf. N. vel M. proauo N. cuius hæres ipſe eſt.

Auxy ſont 5. choſes que mittont la briefe de Entrie hors des degrees ceſt adire, Entruſion, Succeſſion, diſſeiſin ſur diſſeiſin, Iudgment, ou Eſcheat.

1 Entruſion eſt quant le diſſeiſor deuie ſeiſie, & vn eſtrange abata.

2 Diſſeiſin ſur diſſeiſin, eſt quāt le diſſeiſor eſt diſſeiſie per vn auter.

Per, and Cui. And the writ ſhall ſay, in quod idem A. non habet ingreſſum niſi p̄ B. cui C, illud ei dimiſit, qui inde iniuſte, &c.

And note well, that no writ of Entre in the Per and Cui, ſhall bee mainteinable againſt none, but where hee that is tenaunt bee in by purchaſe or diſcent: but if the alienation or diſcent be put out of the degrees, vpon which no writ may bee made in the Per, nor in the Per & Cui, then it ſhal be made in the Poſt, and the writ ſhall ſay, in quod A. non habet ingreſſum niſi poſt diſſeiſinam, quam B. inde iniuſte, & ſine iudicio fecit præf. N. vel M. proauo N. cuius hæres ipſe eſt.

Alſo there are 5. things which put the writ of Entrie out of the degrees, & is to ſay, Entruſion, Succeſſ ō, diſſeiſin vpō diſſeiſin, Iudgement, & eſcheat.

1 Intruſion is when the diſſeiſor dieth ſeiſed, & an eſtranger abateth.

2 Diſſeiſin vpon diſſeiſin, is when the Diſſeiſor is diſſeiſed by an other.

3 Suc-

3 Succession, is when the Disseisor is a man of Religion, and dieth, or is deposed, and his successor entreth.

4 Judgement, is when one recouereth against the disseisor.

5 Eschear, is when the Disseisor dyeth without heire, or dothfelony wherby he is attainted, by which the Lord entreth as in his Eschear.

In all those cases the disseisee or his heire shall not haue a writ of Entrie within the degrees in the Per, but in the Post, for that, that in those said cases, they are not in by distent, nor by purchase.

192 Entre ad communem legem.

ALso there is a writ of Entre ad communem legem, and dyeth where tenant for terme of life, tenant for term of an others life, tenãt by the curtesie, or tenant in Dower alieneth and dyeth, then he in the reuersion shall haue the aforesaid writ against whomsoeuer is in after in the said tenement,

3 Succession, est lou le Disseisor est vn hõe de religion & deuie, ou est deposse, & son successor entra.

4 Iudgement est quant vn recouer vers le disseisor.

5 Eschear, est quant le disseisor deuie sans heire, ou fait felonie, per que il est attaint, per que le Seigniour entra, come en son Eschear.

En touts ceux cases le disseisee ou son heire nauera briefe de Entre deins les degrees en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per discent ne p purchase.

Entre ad communem legem.

AVxy il y ad vn briefe del Entre ad communem legem, & gist lou tenaunt a terme de vie, tenaunt a terme dauter vie, tenaunt per la curtesie, lou tenaunt en dower alien & deuie, donques celuy en le reuersion auera le auantdit bẽe deuers quecunque que soit eins apres en les dits tenements.

193 Entre in casu prouiso.

AVxy briefe de entre in casu prouiso gist, si tenant ẽ dower alien en fee ou pur terme de vie, ou pur autre vie, viuant le tenant en dower, celuy en le reuersion auera le briefe appel briefe de Entre in casu prouiso, & ceo est puruiew per le statute de Glocester Cap.7.

Entre in the case prouided.

ALso a writ of Entre in casu prouiso lyeth, if tenant in dower alien in fee or for terme of life, or for an others life, lyuing the tenant in dower, he in the reuersion shall haue the writ called a writ of Entre in casu prouiso, and this is prouided by the statute of Glocester cap.7.

194 Entre in casu consimili.

AVxy briefe de entre in casu consimili gist si tenant pur terme die vie, ou tenant per la curtesie alien en fee, viuant eux celuy en le reuersion auera vn briefe appel briefe de entre in consimili casu. & ceo est per lestatute de Westminst.2.cap.24.

Entre in casu consimili.

ALso a writ of Entre in casu consimili lyeth, if tenant for terme of life, or tenant by the curtesie alien in fee, liuing them he in the reuersion shall haue a writ, called a writ of Entre in casu consimili, and this is by the statute of Westminst.2.cap.24.

195 Entre ad terminum qui preterijt.

AVxy briefe de Entre ad terminum qui præterijt gist, si vn home lessa terres a vn autre pur terme dans, & le tenaunt tient ouster son terme, donques be lessour auera briefe que est

Entre ad terminum qui præterijt.

ALso a writ of Entre Ad terminum qui præterijt lyeth, if a man lease land to another for term of yeres, & ỹ tenant hold ouer his terme, then the lessor shall haue a writ which is calle

called a writ of Entre ad terminum qui præterijt.

And also if lands be leased to a man for terme of anothers life, and hee for whose life the landes are leased dyeth, and the lesser holds ouer, then the lessor shall haue this writ.

appel bre de Entre ad terminum qui preterijt.

Et auxy si terres sont lesses a vn home pur terme dauter vie, & cestuy pur q vie les terres sont lesses deuie, & le lessee tient ouster, donques le lessor auera ceste briefe.

185 Entre without assent of the Chapter.

ALso a writ of Entre sine assensu Capituli lieth wher an Abbot, Prior, or such as hath Couent or common seale, alieneth lands or tenements of the right of his church, without the assent of the Couent or Chapter, and dyeth, then the successor shall haue this writ.

Entre sine assensu Capituli.

AVxy brief de Entre sine assensu Capituli, gist lou vn Abbe, Prior, ou tiel que ad Couent ou common seale, aliena terres ou tenements del droit de son Esglise, sans le assent del Couent ou Chapter, & deuie, donques son successor auera ceste briefe.

197 Entre for mariage in speech.

ALso a writ of Entre causa matrimonij prælocuti lyeth, where lands or tenements are giuen to a man vpon such cõditiõ, that he shal take her to his wife within a certain time, & hee do not espouse her within the said term, or espouse another womã,

Entre causa matrimonij prælocuti.

AVxy briefe de Entre causa matrimonij prælocuti gist, lou terres ou tenements sont done a vn home sur tiel condition, que il prendra la donour a sa feme deins certeine temps, & il ne luy espousa deins la dit temps, ou espouse auter feme,

ou luy fait Preiſter, ou entra en religion, ou luy diſable, iſſint que il ne puit luy prender accordant a la dit condition: donques la ſem donour & ſes heires auera le dit brief vers luy ou vers quecunque é eins en le dit terre. Auxy il couient q̄ cē conditiō ſoit fait per leendenture, ou autrement ceſt briefe ne gift: & touts ceux & aūs briefs dentre poyēt eſte fait en le Per, Cui, & Poſt.

or make himſelfe Prieſt, or enter in Religion, or him diſable, ſo that he cannot take her according to the ſaid condition, then the donour and his heires ſhall haue the ſaid Writ againſt him, or againſt whomſoeuer is in the ſaid Land. And alſo it behoueth that this condition be made by Indenture, or otherwiſe this writ doth not lie; and all theſe and other writs of Entre may be made in the Per, Cui, & Poſt.

198 Entruſion.

ENtruſion, eſt vn briefe & gift lou tenaunt a terme de vie, deuie ſeiſie de certaine terres ou tenements, & vn eſtraunge entra, celuy en la reuerſion auera le dit briefe vers labator, ou vers que cunque que ſoit eins apres lour entruſion.

Entruſion.

ENtruſion, is a writ, and it lyeth where a tenant for terme of life dyeth ſeiſed of certain lands or tenements, and a ſtranger entreth, he in the reuerſiō ſhal haue the ſaid writ againſt the abator, or againſt whomſoeuer that is in after their intruſion.

Auxy vn briefe de Entruſion ſerra mintainable p̄ le ſucceſſour dun Abbe vers la bator q̄ entre é aſc terres ou tenements tēpoce vacationis que appent a

Alſo a writ of Entruſiō ſhal bee maintenable by ſ̄ ſucceſſour of an Abbot againſt the abatour which ſhall enter in the lands or tenements in the time of vacation that belōgeth to the

the Church by the statute of Marlebridge, the last chapter.

199 Equire.

EQuitie, is in two sorts differing much the one from the other, and are of contrary effects, for þ one doth abridge, diminish, & take itō þ letter of þ law, The other doth inlarge, amplifie, & adde thereunto.

The first is thus defined, Equitie is the correction of a Law generally made in that part, wherin it faileth, which correction of the generall wordes, is much vsed in our law. As if for example, whē an act of parliamēt is made, that whosoeuer doth such a thing, shalbe a felon, & shal suffer death, yet if a mad man, or an infant of yong yeres that hath no discretion do the same, they shall bee no felons, nor suffer death therefore.

Also if a Statute were made, that al persons that shall receiue, or giue meat or drink, or other succor to any þ shal do such a thing, shal be accessary to his offence, & shall suffer death

la Esglise per statute Marlbridge ca. vltimo.

Equitie.

EQuitie, est en deux maners, diuers moult lun del auter, & sont de contrary effects, car lun abridge, diminish, & tol de letter del ley, Le auter ē large, amplifie, & adde a ceo.

Le primer est issint define, Equitas est correctio legis generatim latæ qua parte deficit, le quel correction del general parols, est moult vse en nostre ley, Si come pur example, quāt acte de parliament est fait, quecunq; que fait tiel acte serra felon, & serra mise al mort, vncore si home de non sane memorie, ou enfant de tender age que nad discretion le fait, ils ne serront felons, ne mise al morte.

Auxy si estatute soit fait q̄ touts p̄sons que recetteront, ou doneront maunger ou boyer, ou auter aid a cestuy que faira tiel acte, serront accessary a son offence, & serrōt mise al mor

si

fiils conusteront del fact, vncore lun fait tiel act, & veigne a la proper feme, q̃ sciant cea luy receiue, & done maunger & boyer a luy, el ne serra accessarie, ne felon, car en le generalty de les dits parols del ley, cestу de non sane memorie, ne le enfant, ne le feme fuerent enclude en entent.

Et issint equitie correct le generalue del ley en ceux cases, & les parolx generals sont per equitie abridge.

Lauter equitie est defined en tiel maner, Equitas est verborum legis directio efficiens, cum vna res solummodo legis canetur verbis, & omnia alia in equali genere, eisdem cauеantur verbis: & issint quant les parols enact vn chose, ils enact touts choses que sont en semblables degrees, ficome le Statute que ordeigna que en action de dette vers executours, cestuy que vient per distresse responder a, extenda per equitie, al administratours,

if they did know of the fact, yet notwithstanding one doth such an act, and commeth to his wife, who knowing thereof doth receiue him, and giues him meat and drinke, she shall not be accessary nor felon, for in the generalty of the said words of the law, he that is mad, nor the inkat, nor the wife, were not included in meaning.

And thus equitie doth correct the generalty of the law in those cases, and the generall wordes are by equitie abridged.

The other equity is defined after this sort, Equitie is when the words of the law are effectually directed, and one thing only prouided by the words of the law, to the end that all things of ỹ like kind may be prouided by ỹ same: so whē the words enact one thing, they enact all other things, ỹ are of like degre, as ỹ Stat. which ordaines that in an action of debt against executors, he that doth appear by distres shall answere, doth extend by equity to administrators, for

or such of them as doth appeare first by distresse, shall answere by equitie of the said act, because they are of the like kind.

So likewise the statute of Glocester giues the action of wast, and the pain thereof against him that holds for life or yeres, and by the equitie of the same, a man shall haue an action of wast against him that holdeth but for one yere or halfe yere, and yet that is without the words of the statute, for he that holdeth but for halfe a yere, or one yeare, doth not hold for yeres, but that is the meaning, and the words that enact the one by equity enact the other.

car cestuy de eux que vient primes per distresse respõdera per equitie del dit act, Quia sunt in æquali genere.

Issint le statute de Glocester done le action de Wast, & le punishment de ceo vers cesty que tiet pur vie ou ans, & per le equitie de ceo home auera action de Waste vers cestuy que tient forsque pur vn an, ou demy an, & vncore ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an ou vn an, ne tient pur ans, mes ceo est le entent, & le parols quel enact lun, per equity enacteront lauter.

200 Errour. Errour.

ERrour, is a fault in a iudgemẽt, or in the proces, or proceeding to iudgment, or in the execution vpon the same in a Court of record, which in the ciuill Law is called a Nullity, And also error is the name of a writte, and it lyeth where iudgement

ERrour, est vn fault en vn iudgemẽt, ou en le proces, ou proceding al iudgment, ou executiõ sur ceo, en Court de record, quel fault en le ciuil ley est appel vn Nullitie. Et auxi Errour est le nosme de vn brf, & gist lou iudgement est

eſt done en le Common banke ou deuant Iuſtice in Aſſiſe ou deuaunt Iuſtice de Oyer & terminer ou deuant le Maior ou vicont de Londres ou en auter Court de Recorde, contre le ley, ou ſur vndue ou male proceſſe, donques per cel briefe, le partie grieue vers que le iudgement eſt done auera cel briefe, & per ceo cauſera le Recorde & proceſſe deſtre remoue deuant les Iuſtices de bāk le Roy. Et la ſi errour ſoit troue il ſerra reuerſe: mes ſi erronious iudgement ſoit done en banke le Roy, donques il ne poit eſtre reuerſe forſque per Parliamēt tanque le ſtatute 17. Eliz.

Auxy ſi tiel default ſoit en iudgement done en Court que neſt de record, come en County, hūdred, ou Court baron, donque le party auera bꝛe de Faux iudgement pur faire le record vener deuant Iuſtice de common banke. Auxy ſi errot ſoit troue en Leſchequer il ſerra redreſſe per le Chancelour & Treſorer

is giuen in the Common place, or before the Iuſtice in Aſſiſe, or Oyer & terminer, or before ỹ Maior and Shirifes of London, or in other Court of Record, againſt the law, or vpon vndue and wrong proceſſe, then by this writ the party grieued againſt whom the iudgement is giuen ſhall haue this writ, and thereupon cauſe the Record & proces to bee remoued before the Iuſtices of the kinges Bench. And if the errour be found it ſhall be reuerſed: But if an erroneous iudgement be giuen in the kings Bench, then it cannot bee reuerſed but by Parliament, vntil the ſtatute 27. of Elizabeth.

Alſo if ſuch a default in iudgmēt be giuē in a court that is not of record, as in a coūty, hūdred, or in court baron, then the party ſhall haue a writ of falſe iudgement for to make ỹ record to cōe before Iuſtice of ỹ cōmon place. Alſo if error be found in the Eſchequer, it ſhall be redreſſed by the Chancelor & Treaſurer,

as

as it appeareth by the statute of E. 3. an̄ 31. cap. 12.

vt patet per Statut̄ Edw. 3. An. 31. cap. 12.

201 Escape.

Escape, is where one ẏ is arrested commeth to his liberty before ẏ hee be deliuered by award of any iustice, or by order of law.

Escape is in two sorts, that is to say, voluntary & negligent.

Voluntary escape, is when one doth arrest an other for felony, or other crime, & after he in whose custody hee is, letteth him goe where hee will, this letting him go is a voluntary escape.

And if the arrest of him that escaped were for felony, then ẏ shall be felony in him that did suffer the escape, and if for treason, then it shall bee treason in him, & if for trespasse, then trespasse, & so in al other.

Negligent Escape is whē one is arrested, & after escapes against ẏ will of him ẏ did so arrest him, & is not freshly pursued, & taken before the pursuer looseth the sight of him, this shall bee said a negli-

Escape.

Escape, est lou vn que est arrest diueigne a son libertie deuant que il soit deliuer per agard de ascun iustice, ou ꝑ order del ley.

Escape est en deux sorts, videlicet, volūtary & negligent.

Voluntary escape est qn̄t vn arreste auter ꝑ felony, ou auter crime & puis celuy en que custodie il soit, luy lesser aler ou il veult, cel lesser de luy aler est vn voluntary escape.

Et si larrest de cestuy que escape fuit pur felony, ceo serra dit felony en cestuy que luy lesser descaper, & si pur treason il serra treason en luy, si pur vn trespasse, donque trespasse, & sic de singulis.

Negligent escape est qn̄t vn est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursue, & reprise deuaunt que le pursuor perdra le view de luy, ceo serra dit negligent

gent eſcape, non obſtant q̄ ceſtuy hors de que poſſeſſion il eſcape luy repriſt apres le vieu perdu. Auxy ſi vn ſoit arreſt, & puis eſcape & eſt a ſon libertie, & ceſtuy en que garde il fuiſt luy repriſe apres, & luy ameſne a le priſon, vncore il eſt eſcape en luy.

Auxy ſi vn felon ſoit arreſt per le Conſtable, & ameſne a le gayle en le County & le gayler ne voyt luy receiuer & le Conſtable luy demit, & le gayler auxy, & iſſint il eſcape, ceſt eſt vn eſcape en le gailer, pur ceo que en tiel caſe le gailer eſt tenus de luy reſceiuer p̄ lemaine le Conſtable ſauns aſcun precept de le Iuſtice de peace. Mes autrement eſt ſi vn common perſon arreſt auter pur ſuſpition de felonie, la le gayler neſt tenus de luy reſceiuer ſans precept de aſcun des Iuſtice de peace. Il y ad vn eſcape auxy ſauns arreſt, come ſi murder ſoit fait en le iour, & le murderer ne ſoit priſe, donq̄ il eſt eſcape p̄ que le

gent eſcape, notwithſtanding that he out of whole poſſeſſion hee eſcaped, doe take him after he loſt ſight of him. Alſo if one bee arreſted, and after eſcape, & is at his libertie, and he in whoſe ward he was, take him afterward, and bring him to the priſon, yet it is an eſcape in him.

Alſo if a felon be arreſted by the Conſtable and brought to the gaile in the Countie, & the gailor will not receiue him & the Conſtable letteth him goe, and the gailor alſo, & ſo hee eſcapeth, this is an eſcape in the gailor, for p̄ in ſuch caſe the gailor is bound to receiue him by the hand of the Conſtable without any precept of the Iuſtice of peace. But otherwiſe it is if a cōmō p̄ſon arreſt another vpon ſuſpition of felony, there the gailor is not bound to receiue him, without a precept of ſome Iuſtice of peace. There is an eſcape alſo without arreſt, as if murder be made in the day, & the murderer be not taken, then it is an eſcape, for the which the

Towns

Town where the murder was done shalbe amerced.

ville ou le murder fuit fait serra amercie.

202 Eschete.

ESchete, is where a tenãt in fee simple doth felony, for the which he is hanged, or abiured the Realm, or be outlawed of felonie, murder, or petie treason, or if ꝑ tenant dieth without heire generall or speciall, then the Lord of whom the tenant held the land may enter by way of Eschete, or if any other enter, the Lord shall haue against him a writ called a writ of Eschete, which as I think is derived of ꝑ French word Eschien.

Eschete.

ESchete, est lou vn tenãt en fee simple face felonie, pur que il est pendue, ou abiure le Realme, ou vtlage de felonie, murder, ou petit treason, ou si le tenant morust sans heire general ou special, donques le Seignior de que le terre est tenus per le tenant poit enter per voy de Eschete, ou si ascun auter home enter, le Seignior auera vers luy vn briefe appel brẽ de Eschete, quel come semble est derive del parol Francois Eschien.

203 Escuage.

EScuage, is called in Latin Scutagium, ꝑ is to say, seruice of the shield, & he that holdeth by escuage holdeth by Knights seruice, and to that belongeth ward, marriage, & relieft: but that shalbe intended of escuage not certain, when ꝑ escuage rũneth through England, when it is ordeined by all the Councel of England, that after the

Escuage.

EScuage, est appel en Latine Scutagium, cest adire, seruitium scuti, & cesty que tient ꝑ escuage, tient per seruice de chiualer, & a ceo appent garde, marriage, & relieue: mes ceo serra entende de escuage non certaine, quant le escuage courage per tout Engleterre, quaunt est ordeine per tout le Councell Dengleterre, que apres les

guerres

guerres, cheſcun Seignior auera certaine ſumme de ſon tenaunt que ne ſuit en le dit guerre. Mes ſi le tenãt qui tient daſcun Seigniour per eſcuage, ſoit oue le roy ẽſes guerres ẽ Eſcoce, & le Seigñ voit diſtrain luy pur Eſcuage, il ſerra bõ plee adire, que il ſuit oue le Roy en Eſcoce en le guerre, & ceo ſerra trie per le Marſhall le Roy.

Et nota bene, que hõe ne poit tener per eſcuage, ſinõ que il teign p homage, pur ceo que eſcuage de common droit treyt a luy homage, come il fuit iudge en Term H. 21. E. 3. cap. 42. fol. 52. Auowrie 115. Et nota bene que Eſcuage eſt vn certaine ſumme de argent, & doit eſtre leuie per le Seigñ de ſes tenants ſolonque le quantitie de ſon tenure quaunt le Eſcuage courge p tout Engleterr, Et ordaine eſt per tout le Counſell Dengleterr quãt cheſcun tenaunt donera a ſon ſeignior, & ceo eſt properment pur ſuſtayner le guerr perenter Engleterre & ceux de Eſcoce, ou de warre, euery Lord ſhall haue a certaine ſumme of his tenãt which was not in the ſaid warre. But if the tenant which holdeth of any Lord by eſcuage, be with the king in his wars in Scotland, & his Lord will diſtraine him for Eſcuage, it ſhall bee a good plee to ſay, that hee was with the king in Scotlãd in his wars, & that ſhal be tried by the K. Marſhall.

And note wel, y a man may not hold by eſcuage, vnles he hold by homage, for that eſcuage of cõmon right dꝛaweth to him homage, as it was iudged in Term. H. 21. Ed. 3. cap. 42. fol. 52. Auowrie 115. And note well, that Eſcuage is a certain ſumme of money, and it ought to be leuied by the Lord of his tenant after the quantity of his tenure whẽ Eſcuage runneth thꝛough al Englãd. And it is ordeined by al the counſel of Englãd how muche euery tenãt ſhal giue to his Lord, & that is pꝛoperly to maintaine the wars betwe en England & them of Scotland, or of Wales,

wales, and not between other landes, for that, that those foresaid lāds should bee of right belonging to the Realme of England. See Lit. lib. 2. cap. 3.

104 Esplees.

ESplees, is as it were ꝑ seisin or possession of a thing, profit, or commoditie that is to bee taken, as of a common the esplees is the taking of the grasse or common, by ꝑ mouthes of the beasts that commō there: Of an aduowson, the taking of grosse tithes by the Parson presented thereunto: Of wood, the selling of wood, of an Orchard, the selling of appels and other fruite growing there: Of a mil, the taking of toll is the Esplees, & of such like. And note, that in a writ of right of land or aduowson, or such like, the demaundant ought to alleadge in his count, that he or his auncestors took the Esplees of the thing in demaund, or otherwise ꝑ pleading is not good.

105 Essoine.

ESsoin, is where an actiō is brought, & the plaintife

Gales, & non pas perenter auters terres, ꝑ ceo que les auantdit terres serront de droit appendant a la Roialme Dengleterre. Vide Lit. lib. 2 cap. 3.

Esplees.

ESplees, est sicome le seisin, ou possession dun chose, profite, ou commondity que est a prender, cōe dun common les Esplees est le prender del grasse ou common per les bouches de les beasts que common la: Dun aduowson le prender de grosse dismes per le Parson presented al ceo: De boys, le vender de bois: dun orchard, le vender de pomes & aūs fruits cressants la: Dun molin, le prisel de tol est les Esplees, & de tiels semblables. Et nota, que en briefe de Droit de terre, ou aduowson, ou tiels semblables, le demandant doit alleadge en son count, que il ou ses auncestors prise les esplees de chose en demaund, ou autrement le count nest bon.

Essoine.

ESsoine, est lou vn action est port, & le plaintife

tiſe ou defendant ne poit bien appearer al iour en court pur vn de 5. cauſes deſouth expreſſe, dõques il ſerra eſſoine de ſauer ſon default.

Nota que ſont 5. maners de Eſſoines, ceſt adire, Eſſoine de ouſter le mere, & per ceo le defendant auera iour per xl. iours. Le ſecond Eſſoine eſt de terra ſancta, & ſur ceo le defendant auera iour per vn an & vn iour, & les deux ſerront giſt al commencement del plee. Le tierce eſſoin eſt de male vener, & ceo ſerra adiorne al common iour come action require, & appel le common eſſoin, & quant, & coment ceſt eſſoine ſerra, vide les ſtatuts, & lieur de abridgement de ſtatutes, lou il eſt bien declare. Auxy le 4. Eſſoin eſt De malo lecti, & ceo eſt ſolement en briefe de droit, & ſur ceo iſſera briefe hors del Chauncerie direct al Vicont, que il maundera quater Chiualers al tenant de veier le tenaunt, & ſi il ſoit maladie, de doner a luy

tife or defendant may not well appeare at the day in court for one of the 5. cauſes vnder expreſſed, then he ſhall be eſſoined to ſaue his default.

Note wel that there be 5. maner of Eſſoines, that is to ſay, eſſoine De ouſter le mere, & by that the defendant ſhal haue a day by xl. dates. The ſecond Eſſoine is De terra ſancta, & vpon this the defendant ſhal haue a day by a yere & a day, & theſe twain ſhal be laid in the beginning of the plee. The third eſſoine is De male vener, & that ſhal bee adiorned to a common day as the actor requireth, and this is called the common eſſoine, & when, and how this eſſoine ſhal bee, loke the ſtatutes, and the Abridgement of ſtatutes, where it is well declared. And the 4. Eſſoine is De malo lecti, & that is only in a writ of right, & thereupon there ſhall a writ go out of the Chauncery, directed to the ſherif, that he ſhall ſend 4. Knights to the tenant to ſee the tenaunt, and if he be ſicke, to giue a

day

day after a peare & a day. Also the fift Essoine is de service del Roy, & it lyeth in all actions except in Assise de Nouel disseisin, a writ of Dower, Darreine presentment, & in appeal of Murder, but in this essoine it behooueth at the day to shew his warrant, or else it shall turne vnto a default, if it bee in a plee reall, or else hee shall loose xx.s. for the iourney, or more, by the discretion of the Justice, if it bee in a plee personall, as it appeareth by the Stat. of Glocester cap. 8.

iour apres vn an & vn iour. Auxy le 5. Essoine est de seruice le Roy, & gist en touts actions forsque en Assise de Nouel disseisin, briefe de Dower, Darreine presentment, & en appeal de Murder, mes en cest Essoine il couient al iour de monstre son garrant, ou autrement il turnera a vn default, si soit en plee real, ou autrement il perdera xx. s. pur le iourney, ou pluis, per le discretion del Justice, si soit en plee personel, vt patet per le statute de Glocester cap. 8.

206 Estoppell.

EStoppell, is when one is concluded and forbidden in Law to speake against his own act or deede, yea although it bee to say the truth.

And of Estoppels there are a great many, one for example is, when I. S. is bound in an obligation by the name of T. S. or any other name, & is sued afterward according to ẏ name in the Obligation, that is to say T. S. now

Estoppell.

ESstoppell, est quãt vn est conclude & denie en ley de parler encounter ſó act ou fait demesne, nient obstant il soit pur dire le veritie.

Et de Estoppels il y ad vn graund number, vn pur example est, quaunt I.S. est oblige en vn obligation per le nosme de T.S. ou aſcun auter nosme, & est sue aps accordant al mesm̃ le nosme mis en le obligation, cest adire T. S. ore

il ne ſerra receiue adir̃ que il eſt miſnoſme, mes ſerra chaſe a reſponder accorde al noſme mis en le obligation, ceſt adire, T. S. car peraduenture lobligee ne ſcauoit pas ſon noſme, mes per le report tantſolement del obligour meſme, & entant que il eſt meſme le home que fuit oblige, il ſerra eſtoppe & denie en ley, pur adire le contrarie enconter ſon fait demeſne, car autrement il poit prender aduantage de ſon tort demeine, le quel le ley ne voit ſuffer vn home de faire.

Auxy ſi le file que eſt heire a ſon pere, voit ſuer luerie oue ſa ſoer que eſt vn baſtard, el ne ſerra apres receiue pur dire que ſa ſoer eſt vn baſtard, entant que ſi la baſtard ſoer priſt le moitie del terre oue luy, il nad remedy per le ley.

Auxy ſi vn home ſeiſie de terre en fee ſimple voit prender vn leas pur ans de m̃ le terre de vn eſtranger per fait endent, ceſt vn eſtoppel durant le terme de

he ſhall not be receiued to ſay, that hee is miſnamed but ſhall be driuen to anſwere according to ỹ name put in the obligation, that is to ſay, T. S. for peraduenture the obligee did not know his name, but by the report of the obligor himſelfe, a man as much as he is the ſame man that was bound, hee ſhall bee eſtopped, and forbidden in Law, to ſay contrarie to his owne deede, for otherwiſe he might take aduãtage of his owne wrong, which the Law will not ſuffer a man to do.

Alſo if the daughter that is an heire to her Father, will ſue luerie with her ſiſter that is a baſtard, ſhe ſhall not afterward be receiued to ſay that her ſiſter is a baſtard, inſomuch that if her baſtard ſiſter take halfe the land with her, there is no remedie by the Law.

Alſo if a man ſeiſed of lãds in fee ſimple will take a leas for peres of ỹ ſame land of a ſtranger by deed indented, this is an eſtoppell during the terme of peres,

yeres, & the lessee is therby barred to say the truth, for the truth is, that hee that leased the lād had nothing in it at the time of ỹ lease made, & that the fee simple was in him ỹ did take the lease: but this he shall not be receiued to say til after the yeares are determined, because it appereth that he hath an estate of yeres, & it was his folly to take a lease of his own lands, & therfore shal thus bee punished for his folly.

ans, & le lessee est pur ceo barre adire le veritie, car le veritie est, que il que lessa la terre nad riens en ceo al temps del leas fait, & que le fee simple fuit en luy que prist le leas: Mes ceo il ne serra receiue adire tanque apres les ans serra determine, p̄ ceo que il appiert que il ad estate pur ans, & il fuit son folly de prender vn leas de ses terres demesne, & pur ceo serra iustint punie pur son folly.

207 Estraungers.

EStrangers, are somtimes taken, they that are not parties or priuies to ỹ leuying of a fine, or making of a deed: Somtimes they that be born beyond ỹ seas

Estraungers.

EStraungers, sont ascun foits prise, ils que ne sōt parties ne priuies al fine leuie, ou felans de vn fait: Ascun foits ils que sōt nee ouster le mere.

208 Estray.

EStray, is wher any beast or cattell is in any lordship, and none knoweth the owner thereof, then it shall be seised to the vse of the King, or of the Lord that hath such estray by the K. graunt, or by prescription: And if ỹ owner come & make claime therto within a yeare & a day,

Estray.

EStray, est lou ascū beast ou cattell est en ascun seigniorie, & nul conust le owner de ceo, donques ceo serra seisie al oeps le Roy, ou de le Seigniour que ad tiel estray per graunt le Roy, ou per prescription, & si le owner vient & fait claime a ceo deins an & iour,

donques il le reauera, ou autrement apres le an le propertie de ceo ſerra al Seignior, iſſint que le Sñr face proclamation de ceo accordant a le ley.

then he ſhal haue it again, or elſe after the yeare the propertie therof ſhall be to the Lord, ſo that the Lord make proclamation therof according to the Law.

209 Eſtrepment.

ESTrepment, eſt vn brief, & giſt lou vn eſt implede per vn Præcipe quod reddat, pur certaine terre, ſi le demaundant ſuppoſe que le tenaunt voile faire waſt pendant le plee, il auera vers luy ceſt briefe que eſt vn prohibition, luy commaundant que il ne face waſt pendant le plee.

Eſtrepment.

ESterpment, is a writ, & it lieth where one is impleaded by a Præcipe quod reddat for certaine land, if the demandant, ſuppoſe that the tenaunt will do waſt hanging the plee, hee ſhall haue againſt him this writ which is a prohibition, commaunding him that hee doe no waſt hanging the plee.

Et ceſt briefe giſt propment lou vn home demanmande terre per Formedon, ou briefe de Droit, ou tiels briefes lou il ne recouer damage, car en tiels briefes lou il recouera damages, il auera ſes damages, ayant regard al waſt fait.

And this writ lieth properly where a man demãdeth lands by Formedon, or writ of Right, or ſuch writs where hee ſhall not recouer dammages, for in ſuch writs where he ſhall recouer damages, he ſhall haue his damages, hauing regard to the waſt done.

210 Etate probanda.

ETate probanda, eſt vn briefe doffice, & giſt pur le heire le tenant que tient del Roy in capite, pur prouer que il eſt de plein age,

Etate probanda.

ETate probanda, is a writ of office, & it lieth for the heir of the tenãt that held of the king in chiefe, for to proue that he is of full age,

di-

directed to the Shirife to enquire of his age, & then hee ſhall become tenant to the king by the ſame ſeruices that his auncestors made to the king: But it is ſaid that euery one ỹ ſhall paſſe in this enqueſt ſhall bee of the age of xlij. yeares at leaſt, ſo that hee was of full age when he ỹ ſueth the writ was bozn.

direct al vicont pur inquiter de ſon age, & donques il deuiendra tenant al Roy per meſme les ſeruices que ſon aunceſtor fiſt al Roy: Mes il eſt dit, que cheſcun que paſſera ē ceſt enqueſt ſerra del age de xlij ans al meins, iſſint que il fuit de pleine age al temps quant ceſtuy que ſuiſt le briefe fuit nee.

211 Excommengement.

EXcommengemēt, is to ſay in Latine Excōmunicatio, and it is where a man in Court Chriſtian is excommenged, then hee is diſabled to ſue any action in the kings Court, and if hee remaine excommunicate xl. dates, and will not be iuſtified by his Ordinary, then the Biſhop ſhall ſend his Letter patēt to the Chancelor to certifie this Excommunication or contempt, and thereupon it ſhall bee cōmanded to the Shirife to take the body of him that is accurſed by a writ called de excōmunicato capiendo, til he hath made agreemēt to holychurch for

Excommengemēt.

EXcommengement, eſt adire en Latine Excommunicatio, & eſt lou vn home per la iudgement en Court Chriſtian eſt excommenge, donques il eſt diſable de ſuer aſcun action en Court le Roy, & ſil remaine excommenge xl. iours, & ne voile eſte iuſtifie per ſon Ordinarie, donques le Eueſque mandera ſon letter al Chauncelour de certifier le excommunication ou contempt, & ſur ceo ſerra commaund al Vicount de prendre le corps lexcommenge per vn briefe appel' Excommunicato capiendo, iuſque il ad fait gree al ſanit Egliſe pur

le contempt & tort, & quāt il eſt iuſtifie, & ad fait gree, donque leueſque maundera la letter al Roy, certifiant ceo, & donques ſerra maunde al viſcount de luy deliuer per vn briefe appel Excommunicato deliberando.

Veies le ſtatute 5.E.6.

212 Exchange.

LEXchange eſt lou vn home eſt ſeiſi de certain terre, & vn auter home eſt ſeiſi de auter terre, ſi ils per vn fait enſ'ent, ou ſans fait ſi le terres ſont en vn coūtie, exchange lour terres, iſſint que chelcun de eux auera auters terres a luy iſſint exchange en fee, en fee taile, ou a terme de vie, ceo eſt appel vn exchange, & eſt bone ſans liuery & ſeiſin.

Auxy in exchange il couient que les eſtates a eux limitte per lexchange ſont egalles, car ſi vn aueroit eſtate en fee in ſa terre, & lauter aueroit eſtate in auter terre forſque pur ſme de vie, ou en taile, dōques tiel exchange eſt void, mes ſi les eſtates ſont

the contempt and wrong, and when he is iuſtified & hath made agreement, the the Biſhop ſhall ſend his letters to the King certifying the ſame, and then it ſhall be commanded to the ſhirrite to deliuer him by a writ called Excommunicato deliberando.

See the ſtatute 5.E.6.

Exchange.

EXchange, is where a mā is ſeiſed of certain land, and another man is ſeiſed of other land, if they by a deed indēted, or without deed, if the lands be in one county, exchāge their lands ſo that euery of thē ſhall haue other landes to him ſo exchaunged, in fee, fee taile, or for term of life, that is called an exchāge, and is good without liuery & ſeiſin.

Alſo in exchange it behoueth that the eſtates to thē limited by the exchāge bee egal, for if one ſhould haue an eſtate in fee in his lād, & the other ſhold haue eſtate in the other land but for terme of life, or in taile, thē ſuch exchange is voide, but if the eſtates be egal,

egal, and the lands be not of egall value, yet the exchange is good. Also an exchange of rent for land is good. Also an exchange betweene rent & common is good, and that ought to be by deede. Also it behoueth alway, that this word exchange be in the deed, or els nothing passeth by the deede except that he haue liuerie and seisin.

213 Execution.

EXecutiõ, is where iudgement is giuen in any action that the plaintife shall recouer the land, debt, or damages, as the case is, & when any writ is awarded to put him in possessiõ, or to doe any other thing, whereby the pl should the better be satisfied his debt or dãmages, that is called a writ of executiõ, & whẽ he hath the possessiõ of the lãd, or is paied of the debt or damages, or hath the body of the defendant awarded to prisõ, thẽ he hath execution, & if the plee bee in the cõsty or court barõ, or hũdred, & they defer the execution of the iudgemẽt in fauour of the party, or for

egall, & les terres ne sont de egal value, vncore lexchange est bone. Auxy vn exchange de rent pur terre est bon. Auxy exchange inter rent & common est bone, & ceo couient este per fait. Auxy il couient touts foits, que cẽ paroll exchange soit in le fait ou auterment rien pas, sap le fait sinon que il aiet liuerie & seisin.

Execution.

EXecution, est lou iudgement est done en ascun action que le plaintife recouera la tre, le det ou damages, come le case est, & qũt ascun briefe est agard de luy mitter en possession ou de faire ascũ chose, per que le plaintife serr le mieux satisfie son det ou damages, ceo est appel briefe de execution, & quaunt ilad le possession de le terre, ou est pay de det ou damages, ou ad le corps le defendant agard al prison, donques il ad execution, & si le plee soit en County, ou Court Baron, ou hundred, & ils delaiont le execution del iudgemẽt in fauour de party ou pur

auter

auter encheason, donques le demandant auera briefe de Executione iudicij Nota que en briefe de dette, home nauera recouery de nul terre, mes de ceux que le defendant auoit iour de iudgement rendu. Et de chateux home auera execution solement des chateux, queux il auoit iour de execution sue.

214 Executor.

EXecutor est quant hõe fait son Testament & darreine volunte, & in eeo nosma le person que executera son testament, donque cestuy que est assint nosme est son executor, & est a tant come en le ciuil ley (hæres designatus vel testamẽtarius) come al det, biens & chattels son testator, & tiel executor auera action vers cheseun debtor de son testator, & si le executors ont assets, chescũ a que le testator fuit indebt, auera action vers le executor sil ad obligation ou especialty, mes in cheseun case lou le testator puissoit gager son ley, nul action gist vers executor.

other cause, thẽ the demãdant shall haue a writ of Executione iudicij. Note that in a writ of debt, a man shal not haue recouery of any lãds, but of thẽ which ỹ defendant hath ỹ day of ỹ iudgemẽt yeelded. And of cattels a man shall haue execution only of the cattels, which he hath day of the execution sued.

Executor.

EXecutor, is when a mã maketh his testament & last will, and therein nameth the person that shall execute his testamẽt, then he that is so named is his executor, & is almuch as in the ciuil law, (hæres designatus or testamẽtarius) as to debts, goods & cattels of his testator, & such an executor, shall haue an action against euery debtor of his testator, & if the executors haue assets, euery one to whõ the testator was in debt, shall haue an action against the executor, if he haue an obligatiõ or specialty, but in euerie case wher ỹ testator might wage his law, no action lieth against the executor.

Loode

Look more therefore before in the title Administrators.

215 Exigent.

EXigent, is a writ, & it lieth where a man sueth an action personal, and the defendant cānot be found, nor hath nothing within the county whereby he may be attached nor distrained, thē this writ shal go forth to the Shirif to make proclamation at fiue counties euery one after an other, that he appear, or els that he shal be outlawed: & if he be outlawed, then all his goods & chatteis be forfeit to the king. Also in an indictmēt of felony, the Exigent shall go forth after the first Capias. And also in a Capias ad computandum, or ad satisfaciendum: and in euery Capias that goeth forth after iudgement, the Exigent shal go forth after the first Capias. And also in an appeal of death, but not in an appeal of robberie, or appeal of mayhem.

Vide pluis de ceo deuaunt titulo Adminstrators.

Exigent.

EXigent, est vn briefe, & gist lou home sue action personal, & le defendant ne puit este troue, ne ad riens deins le Countie, per que il puit este attache ne distraine, donques cest brē issera al Vicount de faire proclamation ai v. Counties chescun apres auter, que il appeare, ou autterment que il serra vtlage: & si soit vtlage, dōques touts ses biens & chateux sont forfeites al Roy. Auxy en vn indictment de felonie, le Exigent issera apres le primer Capias. Et auxy en Capias ad computandum, ou ad satisfaciendum, & en chescun Capias que itsist apres iudgement, le Exigent issera apres le primer Capias. Et auxy en appeal de mort, mes nemy en appeale de robberie, ou appeal de mayhem.

216 Ex parte talis.

EX parte talis, Looke therefore before in the title Accompt.

Ex parte talis.

EX parte talis, Vide de ceo deuaunt titulo Accompt.

Ex

217 Ex graui querela.

EX graui querela, Vide de ceo deuant titulo Deuiſe.

218 Extinguiſhment.

EXtinguiſhment, eſt lou aſcun Sñr, ou aſcũ auter ad aſcun rent ou ſeruice iſſuant daſcun terre, & il purchaſe meſme le terre, iſſint que il ad tiel eſtate en la terre, come il auoit en le rent, donques le rent eſt extinct, pur ceo que vn ne puit auer rent iſſuãt hors de ſon terre demeſne. Auxy q̃n aſcun rent terra extinct, il couient que le terre & le rent ſont en vn maine, & auxy q̃ leſtate q̃ il ad ne ſoit deteaſible, & auxy q̃ il ait auxy bõ eſtate en la fre cõe en le rent, car ſil ad eſtate en la fre forſq; pur ſme de vie, ou dans, & ad vn fee ſimple en le rent, donqs le rent neſt extinct, mes le rent eſt en ſuſpence pur cel temps, & donques apres le terme le rent eſt reuiue. Auxy ſi ſoit Seigniour, meſne, & tenant, & le Seigniour purchaſe la tenancie, donques le meſnalte eſt extinct, mes le meſne auera le ſurpluſage

Ex graui querela.

EX graui querela, Looke therefore before in the title Deuiſe.

Extinguiſhment.

EXtinguiſhment, is when any Lord, or any other, hath any rent or ſeruice going out of any land, & he purchaſeth the ſame land, ſo that he hath ſuch eſtate in ẽ land as he hath in the rẽt, thẽ the rẽt is extinct, for that one may not haue rent going out of his own land. Alſo when any rent ſhal be extinct, it behoueth that the land and the rent be in one hand, & alſo that the eſtate that he hath be not defeaſible, & alſo that he haue as good eſtate in the land, as in the rent, for if hee haue eſtate in ẽ land but for terme of life, or yeares, & hath fee ſimple in the rent, then the rẽt is not extinct, but the rent is in ſuſpence for that time, & then after the term, the rent is reuiued. And if there be Lord, meſne, & tenant, & the Lord purchaſe the tenãcy, then ẽ meſnalty is extinct, but the meſne ſhall haue the ſurpluſage

of

of the rent, if there be any, as rent secke. Also if a mã haue a highway appendant, & after purchase the land wherein the high way is, then the way is extinct: and so it is of a common appendant.

219 Extortion.

EXtortion, is wrong done by an officer, Ordinary, Archdeacon, Official, Maior, Bailife, Shirife, Escheator, Coroner, Vndershirife, Gailer, or other officer, by colour of his office, in taking excessiue reward or fee, for execution of his said office, or otherwise, & is no other thing indeed, then plaine robbery, or rather more odious then robbery, for robberie is apparant, and alwaies hath with it the countenance of vice, but extortiõ beeing as great a vice as robberie is, carrieth with it a cõtenance of vertue, by meanes whereof it is the more hard to be tried, or discerned, & therefore & more odious, and yet some there be that wil not stick to stretch their office, credit & cõsciẽce, to purchase

del rent, si ascun soit, come rent secke. Auxy si home ad chymin appendant, & puis purchase le terre en que le chymin est, donques le chymin est extinct, & issint est de vn common appendant.

Extortion.

EXtortion, est vn tort fait per vn Officer, Ordinarie, Archdeacon, Official, Maior, Bailife, Vicount, Eschetor, South-vicont, Coroner, Gailer, ou auter officer, colore officij sui, en prendrans excessiue reward ou fee, pur execution de son dit office, ou auterment, & nest auter chose é fait, q plain robbery, mes pluis odible que robbery, car robberie est apparant, & tout temps ad oue luy le countenance de vice, mes extortion esteant cy hault vice come robberie est, port oue luy vn countenance de vertue, per reasõ de quel il est le plus dure deste trie, ou discerne, & pur ceo le plus odible, & vncore ascuns il y ad que ne voiloyent demurr mes stretch lour office, credite, & conscièce, pur purchaser money,

money, cibien per extorti-on, come auterment, accordant al diſans de le Poet Virgil, Quid non mortalia pectora cogit, auri ſacra fames?

money, aſwel by extoztion as otherwiſe, accozding to the ſaying of the Poet Virgil, what is that that hunger ſweet of gold doth not conſtraine men mortall to attempt?

F.

220 Failer de Record.

FAiler de Record, eſt quãt vn actiõ eſt port enuers vn, & le defendant plede aſcun matter de Record en auter ſort, & auerr de ceo proue per le record. Et le plaintif dit nul tiel record, ſur que le defendaunt ad iour done a luy, pur ameſſi eins le record, a quel iour il faile, ou ameſne eins vn tiel que neſt barre al ceſt action, donques il eſt dit de failer de record, & ſur c' le plaintife auera iudgement de recouerer &c.

F.

Failing of Record.

FAiling of Record, is when an actiõ is brozht againſt one, and the defendant pleadeth any matter that is of recozd in an other ſozt, and doth auerre to pzoue it by recozd. And the plaintife ſaith there is no ſuch recozd, wherupon the defendant hath day gruen him to bzing in the recozd, at which day he fayleth, oz bzought in ſuch a one, as is no barre to this action, then he is ſaid to faile of his recozd, & therupõ the plaintif ſhall haue iudgement to recouer, &c.

221 Fait.

FAit, eſt vn eſcript enſeal & deliuer, a prouer & teſtifier le agreement del partie, quel fait il eſt, al choſe containe en le fait, come vn fait de feoffemẽt eſt vn proue del liuerie de

Deede.

DEede, is a wziting ſeaied and delinered, to pzoue & teſtifie the agreement of the partie, whoſe deede it is, to the thing contained in the deede, as a deede of feoffement is a pzoofe of the liuerie of ſeiſin,

ſeiſin, for the land paſſeth by the liuery of ſeiſin, but when the deed and the deliuery are ioyned together, that is a proofe of the liuerie, & that the feoffor is contented that the feoffee ſhall haue the land. And note, that all deeds are either indented, whereof there be two, three or more parties, as the caſe requireth, of which the feoffor, grauntor, or leſſour hath one, the feoffee, grauntee, or leſſee another: And peraduenture ſome other body alſo another, &c. Or elſe they are poll deeds, or ſingle, and but one, which the feoffee, grauntee, or leſſee hath, &c. And euery deede conſiſteth of three principall points, (and if theſe three bee not ioyned together, it is no perfect deede to bind the parties) namely, writing, ſealing, & deliuery.

The firſt point is writing, whereby is ſhewed the parties names to the Deed, their dwelling places, their degrees, the thing granted, vpon what conſiderations, the eſtate

ſeiſin, car le terre paſſe per le liuerie de ſeiſin mes quant le fait & le liuery eſt ioynt enſemble, ceſt vn proue del liuerie, & que le ſeoffor eſt content, que le feoffee auera le terre. Et nota, que touts ſoites ſont ou indent, de quel y ſont deux, troies, ou pluſors partes, come le caſe require, de que le feoffour grauntor ou leſſour ad vn, le feffee grantee, ou leſſee, vn auter: Et peraduenture aſcun auter perſon auxy vn auter &c. Ou autrement iis ſont faits pol, ou ſingle, & forſque vn, le quel le feoffee, grantee, ou leſſee ad &c. Et chelcun fait conſiſt de trois principal choſes, (& ſi ceux trois ne ſont ioyne enſemble, il neſt perfect fait de lier les parties) noſmemēt, eſcripture, ſigillation, & deliuerie.

Le primer point eſt eſcripture, per que eſt declare les noſmes del parties al fait, lour habitation, lour degrees, le choſe grauntus, ſur queux conſiderations, le eſtate limit,

limit, le temps quant il fuit grauntus, & si simplement ou sur condition, oue autres tielx semblables circumstances. Mes si les parties al fait, escript en le fine lour noſmes demeſne, ou mis a ceo lour markes (come il eſt communemẽt vſe) il ne fait aſcun matter (come ieo ſuppoſe) car ceo neſt entende, ou il eſt dit, que cheſcun fait couient de auer eſcripture.

Le ſecond point eſt ſigillation, que eſt plus teſtimonie de lour contents al ceo containe en le fait, come appiert per ceux paroix. In cuius rei teſtimonium &c. ou a tiel effect, mis en le fine de faits, ſauns queux paroix, le fait eſt inſufficient. Et pur ceo que nous ſumus en ſigillation & ſigning de faits, il ne ſerra dehors, icy a monſtre a vous, pur le amour del antiquitie, le maner del ſigning & ſubſcribing de faits, en noſtre auncestors le Saxons temps, vn faſhion different de c' que nous vſe en ceux noſtre

limitted, the time when it was graunted, and whether ſimply, or vpon condition with other ſuch like circumſtances. But whether the parties vnto the deed, wꝛitte in the end their owne names, or ſet to their markes (as it is commonly vſed) it maketh no matter at all (as I thinke) for that is not meant, where it is ſaide that euery deede ought to haue wꝛiting.

The ſecond point is ſealing, which is a further teſtimony of their conſents to that contained in the deede, as it appeareth in theſe wordes. In witnes whereof, &c. or to ſuch effect, alwaies put in the latter end of deeds, without which wordes the deede is inſufficient. And becauſe we are about ſealing and ſigning of deeds, it ſhall not bee much amiſſe here to ſhewe you, for Antiquities ſake, the manner of ſigning & ſubſcribing of deedes, in our auncestors the Saxons times, a faſhion differing frõ ỹ wee vſe in theſe our daies,

dopes, in this that they to their deedes ſubſcribed their names (commonly adding the ſigne of the Croſſe,) and in the ende did ſet downe a great nũber of witneſſes, not vſing at ỹ time any kind of ſeale. And wee at this day for more ſuertie, both ſubſcribe our names, (although that bee not verie neceſſarie, as I haue aforeſaid) and put to our ſeales, and vſe the help of teſtimony beſides. That former faſhion continued throughout, vntil the time of the Conqueſt by the Normans, whoſe maners by little & little at ỹ length preuailed amongſt vs, for the firſt ſealed Charter in England is thought to be that of King Edward the Confeſſor to the Abbey of Weſt. who beeing brought vpin Normãdy, brought into this realme, that and ſome other of their guiſes with him. And after the comming of William the Conqueror, the Normãs liking their owne country cuſtomes (as naturally all Nations doe) reiected

iours, en ceo que ils a lour faites ſubſcribe lour noſmes, (communemẽt adding le ſigne del Croſſe) & en le fine mis vn graund number des teſtmoigns, niẽt vſant a cel tẽps aſcun manñ de ſigil. Et nous a ceſt iour pur pluis ſuertie, auxy bien ſubſcribe noſtr̃ noſme (nient obſtant ceo neſt mult neceſſary, cõm ieo aye deuant dit) & mis noſtr̃ figilles, & vſe le ayd des teſmoygnes auxy. Ceſt primer faſhion continue per tout, tanq; al temps del Conqueſt p̃ les Normans, que manners per petit & petit al darrayne preuayle enter nous, car le primer Charr̃ ſigill en Engleterre eſt penſe deſtr̃ ceo del Roy Edward le Confeſſour al Abbey de Weſtminſter, que eſteant educate en Normandy, port en ceſt Realme ceo, & aſcun auter de lour guiſes. Et apres le veniens de Guilliam le Conquerour, les Normans eſtimãts de le cuſtome de lour pays (come naturalment touts Nations font) reiect

le manner que ils trouont cy, & reteignont lour proper, com Ingulphus le Abbot de Croiland, que vient eins oue le Conquest tesmoygne, dicens: Normanni cheirographorum confectionem, cum cruciibus aureis, & alijs signaculis sacris in Anglia firmari solitam in cæra impressa mutant, modumque scribendi Anglicum reijciunt. Mes nient obstant ceo ne fuit fait tout al vn temps, mes il encrease & vient eins per certain steps & degrees, issint que primes & pur vn season le Roy solement, ou vn peu auters de le Nobilitie ouster luy vse de sigiller: Donques le Noble homes pur le plus part, & nul auters: Quel chose vn home poyt veyer en le History de Battel Abbey, ou Richard Lucy chiefe Iustice de Engleterre, en le temps del Roy Henry le second, est report de auer blame vn meane subiect, pur ceo que il vse vn priuate sigille, quant ceo pertaine (come il dit) al Roy & Nobilitie solement.

the maner that they found here, and retayned their owne, as Ingulphus the Abbot of Croiland, who came in with the Conquest witnesseth, saying. The Normās do change the making of writinges which were woont to be firmed in England with crosses of gold, and other holy signes, into the printing ware, and they retein also the maner of the English writing. Howbeit this was not done all at once, but it increased and came forward by certaine steps and degrees, so that first and for a season the king onely, or a few other of the Nobilitie besides him vsed to seale: Then the noble mē for the most part, & none other: which thing a man may see in the History of Battel Abbey, where Rich. Lucy chiefe Iustice of Englād, in the time of K. H. the secōd, is reported to haue blamed a mean subiect, for that hee vsed a priuate seale, when as that pertained (as hee said) to the king and Nobilitie onely.

At

It which time alſo (as I. Roſle noteth it) they vſed to ingraue in their ſeales, their owne pictures, and counterfeits, couered with a lōg coat ouer their Armours. But after this the Gentlemen of the better ſort tooke vp the faſhion, and becauſe they were not all warriors, they made ſeales ingrauē with their ſeuerall coates or ſhields of armes, for difference ſake, as the ſame authour reporteth. At the length about the time of King Edward the third, ſeales became verie common, ſo that not only ſuch as bore armes vſed to ſeale, but other men alſo faſhioned to themſelues Signets of their owne deuiſes, ſome taking the letters of their owne names, ſome flowers, ſome knots, & flouriſhes, ſome birds, & beaſtes, and ſome other things as wee now yet daily behold in vſe.

Some other maners of ſealing beſides theſe haue bin heard of among vs, as namely that of King Edward the third, by which

A quel tēps auxy (comē *I. Roſſe* note ceo) ils vſe de ingraue en lour ſigils, lour pictures demeſne, & counterfeits, couer oue lounge tunicle ſur lour Armours. Mes apres ceo les Gentlehomes del meliour ſorts priſt le faſhion, & pur ceo que ils ne fueront toutes guerriours, ils feſoient ſigilles engraue oue lour ſeueral coates ou ſhields de armes, pur differēce, come meſne le authour report. Al darreine, en temps del Roy Edward le 3. ſigils fueront mult common, iſſint que non ſolemēt tiels que portant armes vſe de ſigiller, mes auter homes auxy feſoyent al eux meſmes Signets de lour deuiſes demeſne, aſcūs prēdrants les letters de lour noſmes demeſne, aſcuns flowers, aſcū knots, & flouriſhes, aſcuns oyſeaux, & beaſtes, & aſcuns auters choſes, come no° ore vncof iournalmēt veiomus en vſe.

Aſcuns auters manners de ſigillation ouſter ceux, ad eſtre oye enter nous come noſmement ceo del Roy Edw. le tierce, per que

il done al Norman le hunter: Le hop & le hop ville, oue toutes les boundes vpſide downe, & en teſmoigñ que il ſoit verie, il morde le cere oue ſon fore dent.

Le ſemblable de cẽ fuit monſtre a moy per vn de mes amies ẽ vn looſe chart, mes non mult auncientm̃t eſcript, & pur ceo il voile moy que ieo eſteema de c̃ come ieo penſe bien: Il ſuit come enſuiſt.

Ieo Guilliam king, don a vous Powlen Royden, ma hop & ma hop terres, oue touts le boundes vp & downe, de cælo al terre, de terre ad infernum, pur toy & veſtres a demurrer, de moy & mes, al toy & veſtres, pur vn arcke & vn broad ſagit, quaunt ieo veigne pur hunter ſur Yarrow. In teſtimoigne que c̃ eſt veray, ieo morde ceſt cere oue mon dent, en preſence de Magge, Maude, & Margery, & mon tierce fits Henry.

Item ceo de Alberie de Veer, conteignant le donation de Hatfield, al quel il fixe vn curt noyer haſt

bee gaue to Norman the hunter: The hop and the hop towne, with all the bounds vpſide downe, & in witneſſe that it was ſoth, he bit the waxe with his fore tooth.

The like to this was ſhewed to me by one of my friendes in a looſe paper, but not verie auncitently written, and therefore hee willed me to eſteeme of it as I thought good: It was as followeth.

I William king, giue to thee Powlen Royden, my hop and my hoplands, with all the bounds vp & downe, from heauen to earth, from earth to hell, for thee & thine to dwell, from me and mine, to thee and thine, for a bow and a broad arrowe, when I come to hunt vpon Parrow. In witnes that this is ſooth, I bite this waxe with my tooth, in the preſence of Magge, Maude, & Margery, and my third ſonne Henry.

Alſo that of Alberic de Veer, containing the donation of Hatfield, to the which hee affixed a ſhort blache

blacke hafted knife, like vnto an olde halfepenie whittle, in ſteed of a ſeale with diuers ſuch like.

But ſome peraduenture will thinke that theſe were receiued in common vſe & cuſtome, & that they were not rather the deuiſes and pleaſures of a fewe ſinguler perſons, ſuch as are no leſſe deceiued, then they that deem euery Charter and writing that hath no ſeale annexed, to be as ancient as the Conqueſt, whereas indeede ſealing was not commonly vſed, till the time of king Edward the third, as hath beene already ſaid.

The third point is deliuerie, which although it be ſet laſt, is not the leaſt, for after that a deede is written and ſealed, if it be not deliuered, all the reſt is to no purpoſe.

And this deliuery ought to bee done by the party himſelfe, or his ſufficient warrant, and ſo it ſhall bind him, whoſoeuer wrot or ſealed the ſame, and by this laſt acte, the deede is made perfect, according to

catiel, ſemblable al vn vieux demy denier whittle, & ſteed de vn ſeale, oue diuers tielx ſemblables.

Mes aſcũ peraduenture voylent penſe que ceux fueront receiue en common vſe & cuſtome, & que ils ne fueront les deuiſes & pleaſures dun peu ſinguler perſons, tiels quels ne ſont meines deceiue, que ils que penſont cheſcun charter & eſcript que ne ad ſigil annexe, de ſte cy ancient come le Conqueſt, lou en verity ſigillation ne fuit communement vſe tãque al temps del Roy Edward le tierce, come ad eſte dit.

Le tierce point eſt deliuerie, quel nient obſtant il ſoit mis darreine, neſt le meaneſt, car apres que vn fait ſoit eſcript & ſigille, ſi ne ſoit deliuer, tout le reſidue eſt a nul purpoſe.

Et ceſt deliuerie doit eſtre fait per le party luy meſme, ou ſon ſufficient garrant, & iſſint il luy liera quecunque eſcript ou ſigil ceo, & per ceſt darreine acte, le fait eſt fait perfect, accordant al

entent & effect de ceo, & pur ceo en faits le liuerie eſt deſtre proue, &c.

Iſſint poies veyer que eſcripture & ſigillation ſans deliuery eſt a nul purpoſe: Que ſigillation & deliuerie lou neſt aſcun eſcripture, worke nul choſe: Ne eſcripture & deliuerie ſans ſigillation auxy fait nul fait. Et pur ceo ils toutes doient iointment concurre pur faire vn perfect fait, come eſt auantdit.

the intent and effect thereof, and therefore in deedes the deliuerie is to be proued, &c.

So thus you ſee that writing and ſealing without deliuerie is nothing to purpoſe: That ſealinge deliuerie where there is no writing, worke nothing: Nor writing and deliuerie without ſealing alſo make no deede. And therefore they all ought ioyntly to concuere to make a perfect deed, as is before ſaid.

322 Farme, ou Ferme.

FArme, ou Ferme, eſt ſpecialment le chiefe meſuage en vn village ou towne, a que appertinent graund demeanes de touts ſortes, & ad eſte vſe deſte leſſe pur terme de vie, ans, ou a volunt.

Item le rent que eſt reſerue ſur tiel leaſe, ou ſemble, eſt appelle farme ou ferme.

Et farmour, ou fermor, eſt celuy que occupia le farme ou ferme, ou eſt leſſee de ceo.

Auxy generalmt cheſcũ

Farme, or Ferme.

FArme, or Ferme, is ſpecially the chief meſuage in a Village or Towne, whereto belongeth great demeanes of all ſorts, and hath bin vſed to bee let for terme of life, yeares, or at will.

Alſo the rent that is reſerued vpon ſuch a leaſe, or the like, is called farme or ferme.

And farmor, or fermor, is hee that occupieth the farme or ferme, or is leſſee thereof.

Alſo, generally euery leſſee

leſſee for like, yeares, or at will, although it bee of neuer ſo ſmall a cottage, or houſe, is called farmor, or fermor.

And note, that they are called farmes, or fermes, of the Saxon word Feormion, which ſignifieth to feed, or yeeld victuall. For in the auncient time, their reſeruations were as wel (or for the moſt part) in victuals as money, vntil at the laſt, and that chiefly in the time of K. H. 1. (by agreement) the reſeruation of victuals, was turned into ready money, and ſo hytherto hath continued amongſt moſt men.

leſſee pur vie, ans, ou al volunt, nient obſtant il ſoyt dun petit cottage, ou meſſ. eſt appel farmor, ou fermor.

Et nota, que ils ſõt appels farmes, ou fermes, del Saxon paroll, Feormion, que ſignifie pur feed, ou render victuall. Car en auntient temps, lour reſeruations fueront cybien (ou pur le plus part) é victual cõe argent, tanque al darreine, & c' principalmẽt en le temps del Roy H. 1. (per agreement) le reſeruation de victuals, fuit conuert en ready argent, & iſſint vncore ad continue ent pluſours homes.

123 Faux impriſonment.

Faux impriſonmẽt.

FAux impriſonment, is a writ, and it lieth where a mã is arreſted & reſtrained frõ his libertie by an other, againſt the order of the law, then he ſhall haue againſt him this writte, whereby hee ſhall recouer dammages. Looke more thereof before in the title Arreſt.

FAux impriſonment, eſt vn brẽ, & giſt lou home eſt arreſt & reſtraine de ſõ libertie p vn auter, en coſiter order de ley, donques il auera vers luy ceſt briefe p que il recouera damages. Vide plus de eco deuãt titulo Arreſt.

224 Faux Iudgement.

Faux iudgement, vide de ceo deuant tit. error.

225 Fee ferme.

Fee ferme, est quaunt vn tenant tient de son seignior en fee simple rendant a luy le value del moity ou de tierce part ou quart pt, ou de auter part de l terre, per an: & que tient en fee ferme ne doyt payer reliefe ou faire auter chose, mes sicome est containe en le feoffement forsq; fealtie, car ceo appēt a touts maners tenures.

226 Fee simple.

Fee simple est quant ascun person tient terre ou rent ou auter chose inheritable a luy & a ses heires a touts iours, ceux parols ses heires font lestate denheritance, car si terre soyt done a home a touts iours, vncore il nad forsque estate pour terme de vie. Auxy si tenaunt en fee simple deuie, son primer fits serra son heire, mes sil nad fits, donque touts les files que il ad serront son heire, & chescun auera son parte ꝑ partition, mes sil nad fits ne

Faux iudgement.

Faux iudgemēt, look therfore before in ye title error.

Fee farme.

FEe farme, is when a tenant holdeth of his lord in fee simple, paying to him the value of halfe, or of the 3. part, or of the 4. part, or of other part of the lande, by the yeere. And he ye holdeth by fee ferme, ought not to pay relief or do any other thing then is cōtained in the feoffement but fealtie, for that belongeth to all kind of tenures.

Fee simple.

FEe simple, is when any person holdeth lands or rent, or other thing inheritable to him and to his heirs for euermore, & these words his heirs make the estate of inheritance, for if land be giuen to a man for euer, yet he hath but an estate for terme of life. Also if the tenant in fee simple die, his first sonne shall bee his heire, but if he haue no son, then al his daughters that hee hath shall bee his heires, and euery one shal haue her part by partitiō, but if hee haue no son nor

daugh-

daughter, thē his next cosin collateral of the whole blood shalbe his heire.

227 Feoffement.

FEoffemēt, is wher a mā giueth lāds, houses, or other corporall things whichbe hereditable to an other in fee simple & therof deliuereth liuery & seisin & possessiō, his a feoffemēt. Also if one make a gift in ꝑtaile, or a leale for terme of life, or of another mans life, it behoueth also to giue liuery & seisin, or els nothing shal passe by ꝑ grāt.

228 Feoffor and Feoffee.

FEffor, is he that infeffeth or maketh a feoffement to another lāds, or tenements in fee simple. And Feoffee is he who is infefted, to to whom the feoffement is so made.

229 Fealtie.

FEalty, is a seruice called in latin Fidelitas, & shal be don in such maner, that is to say, the tenaunt shal hold his right hand vpon a booke, & shall say to his lord, I shalbe to you faithfull & true, & shall beare to you faith for ꝑ lands & tenements, which I claime

file, donques son ꝓcheine cosin collaterall de lentire sank serra son heire.

Feoffement.

FEoffmēt, est lou vn don terre ou tiel chose corporall hereditable a vn auter in fee simple, & de ceo deliuer seisin & possession, ceo est vn feoffemēt, Auxy si vn fait done in le taile, ou leas pur terme de vie, ou pur terme dauter vie, il couient auxy de done liuery & seisin, ou autermēt riens passera per le grant.

Feoffor & Feoffee.

FEoffor, est celuy que enseoffe, ou fait feoffemēt al auter de terres ou tenemēts en fee simple. Et feoffee est celuy q̄ est enfeoffe, ou a que le feoffemēt est issint fait.

Fealtie.

FEalty, é vn seruice appel en latin Fidelitas, & serr̄ fait in tiel manñ cestascauoir le tenaunt tiendra sa mayne dexr̄ sur vn liū, & dira a son seigniour. Ieo a vous serra foyall & loyal, & foy vous portera des tenements, que ieo clayme

de

de tener de vous, & loyall vous ferra les customes & seruices que faire vous doy al termes assignes, sicome moy eyde Dieu, Et basera le liuer: Mes il ne genuleſ, come en fesant homage Et de ceo vide apres en le title Homage. Auxy Fealtie est incident a touts maſs tenures.

230 Felonie.

FElonie, est vn generall terme, q̃ comprehend diuers haynous offences, pur que le offendos, doiēt suffer mort, & perder lour terres: Et semble que eux sont appelles Felonies, del Latin parol Fel, que est en Anglois Gall, en Francois Fiel: ou del auncient parol Anglois Fel, ou Fierce, ou pur ceo que sont ent̄d deste faits felleo animo, with Bitter, Fell, Fierce, ou mischieuous mind. Et ascuns de ceux sont, quant home sans ascun colour de ley, emblea les biens dun auter amountant al value de xij. pence, ou plus, ceo est Larcenie: Mes si vn approcha ale p̄son dun auter en le hault

to hold of you, and truely shal do to you the customs & services that I ought to do to you at the terms assigned, so helpe me God. And shall kisse the booke: but he shal not kneel as in doing homage. And therof looke after in Title Homage. Also fealtie is incident to all maner tenures.

Felonie.

FElonie, is a generall term, which comprehēdeth diuers haynous offences, for which the offēdor ought to suffer death, & loose their lands: And it seemeth that they are called Felonies of the Latin word Fel, which is in English Gall, in French Fiel: or of the ancient English word, fell, or fierce, or because that they are intended to be done with a cruell, bitter, fel, fierce, or mischieuous mind. And some of them are, when a man without anycolour of law stealleth the goods of an other amounting to ỹ value de xij. pence, or more, that is Larcenie: But if any approacheth the person of another in the high

way

way, and robbeth him of his goods, although it bee to the value but of one peny, it is Felony, & that is called robberie, and therefore he shall be hanged.

231 Fieri facias.

Fieri facias, is a writ iudicial, and it lieth wher a man recouereth debt or dammages in the Kings Court, then he shall haue this writ to the shrike cõmanding him that he leuy the debt and damages of the goods of him against whom the recouerp is had, and it lieth alwaies within a peare & a day, & after ỹ pere he must sue a Scire facias, & if he be warned, & doth not come at the day &c. or if hee come, & can say nothing, thẽ hee which recouereth shal haue a writ of Fieri facias directed to ỹ shrike, that he make him haue executiõ of iudgmẽt.

But if a man recouer against a womã, & she take a husband within the pere & the day, then he that shal recouer must haue a Scire facias against ỹ husband.

So it is if an Abbot or Prior recouer & dieth, his

chimin, & luy robba de ses biens, mesque ils ne sont forsque al value de vn denier, il est Felonie, & ceo est appel Robberie, & pur ceo il ierra pendue.

Fieri facias.

Fieri facias, est vn briefe iudiciall, & gist lou home recouera dette ou dammages en Court le Roy, donques il auera cest briefe al Vicont, luy commaundant que il leuie le dette & les dammages des biens celuy vers que le recouerie est ewe, & gist toutes foits deins lan & iour, & apres lan luy couient de suer vn Scire facias, & sil soit garnie, & ne vient al iour &c. ou sil vient, & ne scauoit rien dire, donques celuy que recouera auera briefe de Fieri facias direct al Vicont, que il face luy auer execution de iudgement.

Mes si home recouera vers vn feme, & el priſt barõ deins lan & le iour, donques il couient que cestuy que recouera auera Scire facias vers le baron.

Auxy est si Abbot ou Prior recouer & deuie, son suc-

successour deins lan auera Scire facias. Vide de ceo plus en le title Scire facias, & title Execution.

232 Fine.

FIne, ascun foits est prise pur vn summe dargent quel ascun est de payer al Roy pur ascun cōtempt ou offence commit per luy, q̄l fine, chescun que commit ascun trespas, ou q̄ est conuict, que il fauxment denie son fait, ou fesoit ascun chose en contēpt del ley, payera al Roy, quel est appell' Fine al Roy. Ascun foits Fine est prise pur vn final concorde, quel est ew enter ascuns persons touchant ascun terre, ou rent, ou auter chose, dont ascun suit, ou briefe est enter eux pendant en ascun court, quel poit este en diuers maners. Lun est quant lun partie reconust ceo este le droit del auter, come ceo que il eit del done cestuy que fesoit le reconusans, quel touts foites suppose vn feoffement precedent, & est dit Fine execute: ou si il reconust ceo deste le droit del auter, omittant les parols (come ceo que

successor within the yeare shall haue a Scire facias. See therof more in ye title Scire fac. & title Executiō.

Fine.

FIne, somtimes is taken for a sū of mony which one is to pay to the King for any contēpt or offence done by him: which fine euerpone that committeth any trespas, or he ye is cōuicted, ye he falsely denieth his owne deed, or did any thing in contempt of law, shal pay to ye king: which is called fine to the King. Somtime a fine is taken for a final agreemēt which is had betweene any psōs cōcerning any lād or rēt, or other thing wherof any suit or writ is beween thē hāgīg in any court, which maybe diuers waies. One is whē one party reknowledgeth, ye to be the right of the other, as that ye he hath of ye gift of him that made the recognisās, which alwayes supposeth a feoffemēt going before, & is called a fine executed: or if he acknowledgeth ye to be the right of an other, omitting these words (cōe ceo que

il

il eit de ſon done) which being a fine vpō acknowledging of right onely, if it bee leued to him which hath the freehold of ꝑ land is a fine vpon a releaſe. And if hee ꝑ acknowledged it, is ſeiſed, and hee to whom it is leued hath not the freehold of ꝑ land, then it is called a fine executory, which he to whō ꝑ lād is acknowledged may execute by Entre, or Scire fac.

And ſomtime ſuch a fine ſur conuſās d' droit only is to make a ſurrēder: Therin is rehearſed that the reconuſor hath an eſtate for life, & the other a reuerſiō.

And ſomtime it is takē to paſſe a reuerſion, where a particuler eſtate is recited to be in an other, & that the reconuſor will that the other ſhall haue the reuerſion, or that the land ſhall remaine to an other, after the particuler eſtate ſpēt.

And ſomtime he to whō ꝑ right is acknowledged, as that that he hath of the gift of the reconuſor, ſhall yeeld the land, or a rēt out therof to ꝑ reconuſor. And that ſomtime for the whole

il eit de ſon done) quel eſteant fine ſur conuſās de droit tantum, ſi ſoit leuie a ceſtuy que eit le franktenement del terre eſt Fine ſur releaſe. Et ſi ceſty que ceo conuſt eſt ſeiſie, & celuy a que eſt leuie neit le franktenement del terre, donques eſt dit fine executorie, quel ceſtuy a que le terre eſt conus poit executer per Entre, ou Scire facias.

Et aſcun foits tiel fine ſur conuſans de droit tantum eſt pur faire vn ſurrender: lou en ceo eſt repeat, que le reconuſor eit eſtate pur vie, & lauter en reuerſion.

Et aſcun foits ceo eſt ew de paſſer vn reuerſion, lou particuler eſtate eſt recite deſte en auter, & que le reconuſor voit que le auter auera le reuerſion, ou que le terre remaine al auter apres le particuler eſtate finie.

Et aſcun foits celuy a que le droit eſt conus, come ceo que il ad del done le reconuſour, rendra le terre, ou vn rent hors de ceo al conuſour. Et ceo aſcun foits pur lentier

fee.

ſee. Aſcun foits pur vn particuler eſtate, oue remainder ou remainders ouſter. Et aſcun foits oue reſeruation del rents oue diſtreſſe & graunt de ceo ouſter per meſme fine.

Et eſt appel fine, quia per ceo le ſuit eſt determine, & ſi ceo ſoit recorde oue proclamation ſolonque le ſtatute 4. H. 7. ceo barre eſtrangers.

fee: Sometime for one particuler eſtate, with remainder or remainders ouer: And ſometime with reſeruation of rent, with diſtreſſe & graunt thereof ouer by the ſaid fine.

And it is called a Fine, becauſe thereby the ſuit is ended, and if it be recorded with proclamation according to the ſtatute 4. H. 7. it barreth ſtrangers.

233 Firebote.

FIrebote, eſt neceſſarie boys pur arder, quel per le common ley, leſſee pur ans, ou pur vie, poit prender en ſon terre, nient obſtant il ne ſoit expreſſe en ſon leaſe: & nient obſtant il ſoit vn leas per parol tantum ſans fait. Mes ſil priſt plus que beſoigne, il ſerra punie en waſt.

Firebote.

FIrebote, is neceſſarie wood to burn, which by the common Law, leſſee for yeares, or for life, may take in his ground, although it be not expreſſed in his leaſe: and although it be a leas by word only without writing: But if he take more then is needfull, hee ſhall bee puniſhed in waſt.

234 Fledwite.

FLedwite, hoc eſt quietũ eſſe de amerciamentis, cum quis vtlagatus fugitiuus veniat ad pacem domini Regis ſponte, vel licenciatus.

Fledwite.

FLedwite, that is to bee quit from amercemẽts, when an outlawed fugitiue cõmeth to the kings peace of his owne will, or being licenced.

235 Flemeſ-

235 Flemeſwite.

FLemeſwite, that is, that you may haue the cattel or amerciaments of your man or fugitiue.

Flemeſwite.

FLemeſwite, hoc eſt, quod habeatis catalla, siue amerciamenta hominis veſtri fugitiui.

236 Fletwit.

FLetwit or (Flitwit) that is to be quit from contention and conuicts, and that you may haue plee thereof in your court, and the amerciamēts, for (Flit) in English, is Tenſon in French.

Fletwit.

FLetwit) ou (Flitwit) hoc eſt quietum eſſe de contentione & conuictis, & quod hēatis placitum inde in Curia veſtra, & amerciamenē, quia (Flit) Anglice, é Tenſone Gallice.

237 Forreſt.

FOrreſt, is a place priuiledged by a royal authentike, or by preſcription, for the peaceable abiding and nouriſhment of the beaſts or birds of the forreſt, for diſport of the king. For which there haue beene in auntient time certaine peculier officers, lawes, and orders, part of which appeare in the great Charter of the Forreſt.

Forreſt.

FOrreſt, eſt vn lieu priuiledge per authority royal, ou per preſcription, p̄ le peaceable abode & nouriſhment del beaſts ou oyſeaux del forreſt, pur le diſport del Roy: Pur queux ont eſtre en auncient tēps certaine peculier officers, leyes, & orders, part de queux appearont en le graund Charter de le Forreſt.

238 Foriudger.

FOriudger, is a iudgemēt giuen in a writ of Meſne brought by a tenaunt againſt the meſne Lorde, which ſhould acquite the tenaunt of ſeruices de-

Foriudger.

FOriudger, eſt vn iudgement done en vn brieſe de Meſne port per vn tenāt enuers le Meſne Seigniour, que doyt acquiter le tenaunt des ſeruices demandes

mandes per le Seignior paramount de que le tenement eſt tenus, & le meſne ne voille appeare, donques iudgement ſerra done que le meſne Seignior perdra ſon Seigniorie, & que le tenaunt dillonques tiendra del Seignior paramount per tielx ſeruices come le meſne tenoit deuant, & ſerroit diſcharge del ſeruices queux il rendoit al meſne per le ſtatute de Weſtminſter 2. cap. 9. & ceo eſt appelle vn foriudger.

Et auxy ſi vn Attorney ou auter Officer en aſcun Court ſoit ouſte & prohibite de vſer ceo, il eſt dit deſtre foriudge le court.

220 Formedone.

FOrmedone, eſt vn briefe & giſt lou tenaunt en le taile infeoffa vn eſtrange, ou eſt diſſeiſe, & deuie, le heire auera bꝛe de Formedone pur recouer le terre. Mes ſont troies brieſes de Formedone, Vn eſt en le diſcender, & ceo eſt en le caſe auauntdit. Auxy ſi vn done terre en le taile, & pur default de iſſue le maunded by the Lorde aboue of whom the tenement is holden, & the meſne will not appeare, then iudgement ſhall bee giuen that the meſne Lord ſhall looſe his ſeigniory, & that the tenant frō the aceforth ſhall holde of the Lorde aboue by ſuch ſuttes as the meſne helde before, & ſhall be diſcharged of the ſeruices which hee yeelded to the meſne by the ſtatut of Weſt. 2. c. 6. and that is called a foꝛeiudger.

And alſo if an atturney oꝛ other Officer in any Court be put out and foꝛbidden to vſe the ſame, he is ſeid to be foꝛiudged the Court.

Formedon.

FOrmedon, is a Writ, and lyeth where tenant in the taile infeoffeth an eſtranger, oꝛ is diſſeiſed, & dyeth, the heire ſhall haue a Writ of Foꝛmedon to recouer the land. But there be three maner of Foꝛmdons. One is in the diſcender, and that is in the caſe before ſaid. Alſo if one giue lands in the taile and foꝛ default of iſſue the re-

remainder to an other in the taile, and that for default of such issue the land shall reuert to the donor, if the first tenaunt in taile die without issue, he in the remainder shall haue a Formedon in the remainder: But if the tenaunt in the taile die without issue, and hee in the remainder also die without issue, the the donour or his heires shall haue a Formedon in the reuerter.

remainder a vn auter en le taile, & que pur default de tiel issue la terre reuertera al donour, si le primer tenant en le taile deuie sans issue, cestuy en le remainder auera vn brief de Formedone en le remainder: Mes si le tenant en le taile deuie sans issue, & cestuy en le remainder auxy deuie sans issue, donques le donour ou ses heires auera vn Formedone en le reuerter.

240 Forstall.

FOrstall, that is to bee quite of amerciaments and cattels arrested within your land, and the amerciaments therof coming.

Forstall.

FOrstall, hoc est quietum esse de amerciamentis & cattallis arrestatis infra terram vestram, & amerciamenta inde prouenientia.

241 Foreftaller.

FOreftaller, is hee y buyeth corne, catteil, or other marchãdize whatsoeuer is saleable, by y way as it cõmeth to markets, faires, or such like places to bee solde, to the intent that hee may sell the same againe at a more high and deepe price, in preiudice and hurt of the com-

Foreftaller.

FOreftaller est celuy que achate blees, auers, ou auter marchandize quecunq; est vendible, per le chimin quaunt il vient al markets, faires, ou tiels semble lieux deste vende, al entent que il poit véder ceo auter foites al vn plus hault & chare price, en-iudice & damage de le cõ-

mon weale & people &c.

Le penaltie pur ceux queux ſont conuiſt de ceo, eſt le primer temps impriſonment pur deux mois, & perde de le value del choſe vende.

Le ſecond temps, impriſonment per le ſpace de demy an, & perdra le double value des byens &c.

Le iij. temps, impriſonment durant le pleaſure le Roy, & iudgement del pillorie, & forfeiture a toutes ſes biens & chattels. Vide le Statute 5. Edward 6. capit. 14.

mon wealth & people &c.

The paine for ſuch as are conuict thereof, is for the firſt time impriſonmet for two mouths, and laſſe of the value of the thing ſold.

The ſecond time, impriſonment by the ſpace of halfe a yeare, and ſhal loſe the double value of the goods &c.

The third time impriſonment during the Kings pleaſure, and iudgement of the pillorie, and ſhall forfeit all his goods and cattels. See the ſtatute 5, Ed. 6. cap. 14.

242 Fourcher.

FOurcher eſt vn deuiſe vſe a delayer le plaintife ou demaundant en vn ſuit enuers deux, queux a ceo ne ſont de reſponder tanque ils ambideux appeare, & le apparance ou eſſoine dun de eux voyle excuſer le default del auter a cel iour, & eux agrea que lun deux ſolement ſerra eſſoine ou apperera al vn iour, & pur fault del apperance del auter auoit iour ouſter de appearer, & le

Fourcher.

FOurcher, is a deuiſe vſed to delay the plaintif or demaundant in a ſuite againſt two, which thereto are not to aunſwere till they both appeare, and the apparance or eſſoine of one will excuſe the others default at that day, and they agree that the one ſhalbe eſſoined or appeare one day, and for lacke of the appearaunce of the other, haue date ouer to appeare, and the other

other partie ſhall haue the ſame day, and at that day the other will appeare, or be eſſoined, and he that appeared or was eſſoined before, will not thē appeare, becauſe he hopeth to haue an other day by ꝑ adiornment of the partie which then appeared, this is called Fourcher, and in ſome caſes the miſchefe ther by is remedied by the ſtatute of Glouceſter cap. 10. and Weſt. 1. ca. 42. which bee in the collectiō of ſtatutes in the title Eſſoine 4. & 7.

autre party aūa meſme le iour, & a ceo iour lauk voile appearer ou eſtre eſſoin, & ceſtuy q̄ deuant appiertoit, ou fuit eſſoiñ ne voile dō-ques appeā, pur ceo que il eſperoit daū auter iour p̄ le adiournement del party que donques appiert ou eſt eſſoine, ceo eſt appel Fourcher, & en aſcuns caſes le miſchiefe per ceo eſt remedie per leſtat. de Glouceſter cap. 10. & Weſt. 1. cap. 42. que ſont en le collection des ſtatutes en le title Eſſoine 4. & 7.

243 Franches Royal.

FRanches royal, is where the King grants to one & his heires, that they ſhal be quit of toll, or ſuch like

Franches Royal.

FRanches Royal, eſt lou le Roy graunt al vn & a ſes hēs, q̄ ils ſerront quite de tolner, vel huiuſmodi.

244 Free almes.

FRee almes, is where in auncient times landes were giuen to an Abbot and his Couent, or to a Deane and his Chapter, and to their ſucceſſors, in pure & perpetuall almes, without expreſſing any ſeruice certaine, this is Frankalmoigne, and ſuch are bound before God

Frankalmoigne.

FRankalmoigne, eſt lou en auncient temps terres fueront dones a vn Abbot & ſon Couent, ou a vn Deane & le Chapter, & a lour ſucceſſors, en pure & perpetuall almoigne, ſauns expreſſer aſcun ſeruice certeine, ceo eſt Frankealmoigne, & ils ſont tenus deuaunt Dieu

de faire Oraſons & praiers pur le donour & ſes heires, & pur ceo ils ne ferront fealtie, & ſi tiels que ont terres en frankalmoigne ne font aſcun prayers ne diuine ſeruice pur les almes le donour, ils ne ſerront per les donours a ceo compelles, mes pur ceo ils poyent complaine al Ordinarie, luy prayant que tiel negligence ne ſoit pluis auant, & le Ordinarie de droyt ceo doit faire.

to make Orafons & prayers for the donour & his heires, & for that they doe no fealtie, and if ſuch that haue landes in Frankalmoigne do make no prayer nor diuine Seruice for ꝑ ſoules of ꝑ donours, they ſhall not bee compelled by the donors to do it, but for that they may complaine to the Ordinary, prayng him that ſuch negligence bee no more after and the Ordinary of right ought to do it.

Mes ſi vn Abbe &c. tient terres de ſon Seignior pur certein diuine ſeruice deſtre fait, come de chaunter cheſcun vender-die vn Maſſe, ou de faire auter choſe certaine, ſi tiel diuine ſeruice ne ſoit fait, le Seignior poit diſtraine, & en tiel caſe Labbe doit faire a le Sñior fealtie, & pur ceo il neſt pas dit tenure en frankalmoigñ, mes tenure per diuine ſeruice, car nul poit tener ẽ frankalmoigne, ſi ſoit expreſſe aſcun certaine ſeruice.

But if an Abbot &c. holdeth lands of his Lord for certaine diuine ſeruice to be done, as to ſing euery Friday a Maſſe, or doe ſome other thing, if ſuch diuine ſeruice be not done the Lord may diſtraine, & in ſuch a caſe the Abbot ought to doe fealtie to the Lord, and therefore it is not ſaid tenure in frankalmoigne, but tenure by diuine ſeruice, for none can hold by frankalmoign if any certaine ſeruice bee expreſſed.

245 Franke fee.

TEner en Franke fee, eſt a tener en fee ſim-

Franke fee.

TO hold in Franke fee, is to hold in fee ſimple

ple lands pleadable at the cõmon law, & not in auncient demesne.

245 Free mariage.

FRee mariage, is when a man seised of landes in fee simple, giueth it to an other man, & to his wife, (who is the daughter, sister, or otherwise of kinne to the donor) in free mariage, by vertue of which words they haue an estat in speciall taile, and shall hold the land of the donor quit of all maner of seruices, vntill the 4. degree be past, accoũting themselues in the first degree except fealty, which they shal do, because it is incidẽt to all tenures, saning free alms And such gift may be made eswel after mariage solẽnized as before. And a mã may giue landes to his son in free mariage, as well as to his daughter, by the opinion of Master Fitzherbert, in his writ of Chãpertie H.

But it appeareth otherwise in Master Littletõ, and in Master Brooke titulo Frankmariage pla. 10

ple terres pleadable a la common ley, & nient en auncient demesne.

Frankmariage.

FKankmariage, est quant vn home seisie de terres en fee simple, done ceo al auter home, & a sa feme, (q̃ est file, soer, ou auterment de kin al donor) en frankmariage, per vertue de queux parolx ils ont vn estate en especiall taile, & tiendra le terre del donour quite de touts manner des seruices, tanque le quart degree soit passe, accountant eux mesmes en le primer degree, sinon fealtie, queux ils ieront, pur ceo que est incident a toutes tenures, forsque frankalmoigne. Et tiel done poit estre fait cibien apres mariage solemnize, come deuant. Et home poit done terres a son fits en frankmariage, cibien come a sa file, per le opinion de Master Fitzherb en son bre de Champertie H.

Mes il appiert auterment en Master Littleton, & en Master Brooke titulo Frankmariage pla. 10.

Et issint il fuit tenus clere en Grayes Inne en Lent, Ann̄ 1576. 18 Eliz. per le worshipfull M. *Rhodes* dōques Lector la.

247 Franktenement.

FRanktenement, est vn estate que home ad en terres ou tenements, ou profit a prender ē fee simple, taile, pur terme de son vie demesne, ou pur terme dauter vie, en dower, ou per le curtesie Denglitre. Et south ceo il ne est frāktenement, car q̄ ad estate pur ans, ou tient a volunt, nad ascun franktenement mes ils sont appelles chattels.

Et de franktenement il y ad deux sorts, cestascauoir, Franktenemeut en fait, & Franktenem̄t en ley.

Franktem̄t en fait, est quant vn home ad entre de terres ou tenements, & est seisie de ceo realment, actualm̄t, & en fait. Sicōe le pere seisie de terres ou tenem̄ts en fee simple deuie, & son fits enter en eux come heire a sō pere, donques il ad vn franktenem̄t en fait per son entrie.

Franktenemēt en ley est

And so it was holdē clere in Graies Inne in Lent Anno 1576. 18. Eliz. by ye worshipfull M. Rhodes then Reader thehe.

Freehold,

FReehold, is an Estate that a man hath in lāds or tenements, or profit to be takē in fee simple, taile, for terme of his own life, or for terme of an others life, in dower, or by the curtesie of England. And vnder that ther is no free hold, for he that hath estat for yeares, or holdeth at will, hath no freehold, but they are called chattels.

And of freeholds there are two sorts, that is to say, Freehold in deed, and Freehold in law.

Freehold in deed, is when a man hath entred into lands or tenemēts, & is seised therof really, actually, & in deed. As if the father seised of lāds or tenements in feē simple dieth, & his son entreth into the same as heire to his father, then he hath a freehold in deed by his entry.

Freehold in law, is when

when lands or tenements are descended to a man, & hee may enter into them when he will, but hath not yet made his entry indeed, as in the case aforesaid, if the father beeing seised of lands in fee simple die seised, & they descend to his sonne, but the sonne hath not yet entred into them indeed, now before his entrie hee hath a freehold in law.

quant terres ou tenements sont discendus al vn home, & il poit enter en eux quant a luy pleist, mes nad vncore fait son entry en fait, come en le case auant dit, si le pere esteant seisie de terre en see simple deuie seisie, & ils discend' a son fits, mes le fits nad vncore enter ē fait en eux, ore deuant son entrie il ad vn franktenement en ley.

248 Freshsuit.

FResh suit, is when a man is robbed, and the party so robbed, followeth the felon immediately, & taketh him with the manner, or otherwise, and then bringeth an appeale against him, & doth convince him of the felonie by verdict, which thing beeing inquired of for the King and found, the partie robbed shall haue restitution of his goods againe.

Also it may be said, that the party made freshsuit, although hee take not the theefe presently, but that it bee halfe a yeare, or a yeere after the robberie done, before hee be taken,

Freshsuit.

FResh suit, est quaunt vn home est robbe, & le party issint robbe, pursua le felon immediatement, & luy prist oue le manner, ou autrement, & donques port vn appeal euuers luy, & luy conuince del felony per verdict, le quel chose esteant enquire pur le Roy & troue, le partie robbe auera restitution de ses biēs arere.

Item il poit este dit, que le partie fait Freshsuite, nient obstant que il ne prist le felon presentment, mes que il soit demy an ou vn an apres le robberie fait deuaunt que il soit prise,

ſi ſoit iſſint que le partie robbe fait tant que en luy eſt, p diligent enquirie & ſerch de luy prender, nient obſtant q̄ il eſt priſe per vn auter home, vncore c' ſerra dit bone freſhſuit.

Et iſſint freſhſuit ē quāt le Seigniour vient pur diſtreiner p̄ rent ou ſeruice, & le owner des beaſtes fait reſcous, & enchaſe eux en auters terre que neſt tenus del Seigniour, & le Seigniour enſue preſentment, & repriſt eux, ceſt appel freſhſuit. Et iſſint en auter ſemblables cales.

if ſo be that the party robbed do what lyeth in him, by diligent inquirie and ſearch to take him. yea although he be take ē by ſome other body, yet this ſhalbe ſaid freſh ſuit.

And ſo freſh ſuit is whē the Lord commeth to diſtraine for rent or ſernice, & the owner of the beaſts doth make reſcous, and driueth thē into anothers ground that is not holden of the Lord, and the Lord followeth preſentlie & taketh them, this is called freſh ſuit. And ſo in other like cales.

G

249 Gager de deliuerāce.

GAger de deliuerance, eſt lou vn ſua Repleuin de biens priſe, mes il nad deliuerie des biens, & lauter auowa, & le plāintife monſtra que le defendaunt eſt vncore poſſeſſe des biens &c. & pria que le defendant gagera deliuerance, donques il mittera eins ſuertie ou pledge pur le redeliue-

G

Gager de deliuerance.

GAger de deliuerance, is where one ſueth a repleuin of goodes taken, but he hath not the deliuerie of the goods, and the other auoweth, and the plaintife ſheweth that the defendant is yet poſſeſſed of the goods &c. and prayeth that the defendaunt may gage the deliuerance, then he ſhall put in ſuertie or pledges for the deliuerance

rãce, & a writ shal go forth to the Shirife for to redeliuer the goods &c. But if a man claime property, he shal not gage deliuerance.

And if hee say that the beasts be dead in ỹ pound, he shall not gage &c.

Also a man shall neuer gage the deliuerance before that they bee at issue, or demurrer in the law, as it is said.

rance, & vn briefe issera al Vicont pur redeliuerer les biens &c. Mes si home claime propertie, il ne gagera deliuerance.

Auxy sil dit que les auers sont morts en le pound, il ne gagera &c.

Auxy home ne gagera iammes le deliuerance auãt que ils soyent a issue, ou demurrer en ley, vt dicitur.

150 Garrantie of charters.

GArrantie of charters, is a writ, & it lyeth where any deed is made that cõprehẽded a clause of warranty, that is to say, Dedi or Concessi, or this word Warrantizabo, and if the tenant be impleaded by a stranger, if it bee in Assise or such action where hee may not vouch to warrãtie, then he shall haue this writ against his feoffor or his heire, & if the land bee recouered against h m, he shal recouer as much land in value against him that made the warrantie. But this writ ought to be sued hanging the first writ

Garrantie des charters.

GArrantie des charters, est vn briefe, & gist lou ascun fait est fait que comprehende clause de garrantie, cestasauoir, Dedi, ou Concessi, ou cest parol Warrantizabo, & si le tenant soit emplede per vn estraunge, si soit en Assise, ou tiel action lou il ne poit vouch a garrantie, donques il auera cest briefe vers son feoffor, ou son heire, & si le terre soit recouer vers iuy, il recouera taunt del terre en value vers cesty que fist le garrantie. Mes cest briefe couient este sue pendant le primer briefe

vers

vers luy, ou autrement il ad parde ſon aduantage.

Auxy ſur garrantie en ley, come ſur homage anceſtrel, ou ſur rent reſerue ſur leaſe a terme de vie, ou done en le taile home auera briefe de garrantie de Chatters, mes nemy ſur eſcuage.

against him, or elſe he hath loſt his aduantage.

Alſo vpon a warrantie in ꝑ law, as vpon homage auncęſtrel, or vpon rent reſerued vpon a leaſe for term of life, or a gift in the taile, a man ſhall haue a writ of warrãty of Charters, but not vpõ eſcuage.

251 Garrantie.

GArrantie, eſt en trois manners, s. garrantie lineal, & garrantie collateral, & que cõmence per diſſeiſin.

Garrantie lineal eſt lou home ſeiſie en fee, ou en taile, fait feoffement per ſon fait a vn auter, & oblige luy & ſes heires a garranty, & ad iſſue fits & moruſt, & le garrantie diſcende a ſon fits, ceo eſt lineal garrantie, pur ceo que ſi nul fait oue garrantie vſt eſte fait, donques le droit des terres diſcenderoit al fits come heire a ſon pere, & il conueyroit le diſcent de le pere a le fits. Mes ſi tenaunt en le taile diſcontinua le taile, & ad

Garrantie, is in three maners, that is to ſay, garrãtie lineal, & garrantie collaterall, and which beginneth by diſſeiſin.

Garrãty lineal is wher a man ſeiſed in fee, or in taile, maketh a feffemẽt by his deed to another, & bindeth him & his heires to warrãty, & hath iſſue, & ſo & dyeth, & ꝺ warrãtie diſcẽdeth to his ſonne, that is lineal warranty, for that & if no deed with warrantie had beene made, then the right of the lands ſhould haue diſcẽded to the ſonne as heire to his father, & he ſhal conuey the diſcẽt from the father to the ſon. But if the tenãt in the tail diſcontinue the taile, & hath iſſue

issue and dyeth, and the vncle of the issue releaseth to the discontinuee with warrantie &c. and dyeth without issu, this is a collaterall warrantie to the issue in the tayle, for that, that the warrantie discendeth vpon the issu, the which may not conuey him to the tayle by meane of his vncle. And in euery case where aman demaundeth lands in fee tayle by writ of Formedone, if any of the issues in the tayle which hath possession, or which hath not possessiō, maketh a warrantie, and he that sueth the writ of Formedone may by possibilitie by matter that may be done, might conuey to him title by force of the gift by him that made the warrantie &c. that is then a lineall warrantie, and by such a lineall warrantie, the issue in the tayle shal not be barred, except that he haue assets to him discended: But if he may not by no possibilitie that may be conueyd to him title by force of the gift by him that made the warrantie,

issue & deuie, & le vncle del issue releasa al discontinuee oue garrantie &c & morust sans issue, ceo est collateral garrantie al issue en le taile, pur ceo que le Garrantie discend sur le issue, le quel ne poyt soy conueyer a le tayle per le meane de son vncle. Et en chescun case lou home demaunda terres en fee tayle per briefe de Formedone, si ascun aunceſtour del issue en le taile que auoit possession, ou que auoit possession fait vn warrantie, & cestuy que sua le briefe de Formedone poit per possibilitie per matter que puisoit este fait, puisoit conueyer a luy title per force del done per celuy que fist le garrantie &c. ceo est donques vn lineall grrantie, & per tiel lineall garrantie, le issue en le tayle ne serra barre, sinon que il ad assets a luy discendus en fee simple: Mes si il ne poyt per null possibilitie que poit este, conueye a luy title per force del done per celuy que fist le garrauntie,

don-

donques ceo eſt vn collaterall garrantie, & per tiel collaterall garrantie le iſſue en le taile ſerra barre ſauns aſcun aſſets. Et le cauſe que tiel collaterall garrantie eſt vn barre al iſſue en le tayle, eſt pur ceo que toutes garranties deuant leſtatute, de Glouceſter, queux diſcendant a ceux queux ſont heires a eux que feſoient les garranties fueront barres a meſme les heires a demander aſcun terres, forſpriſe les Garranties que commence per diſſeiſin, & pur ceo que le dit ſtatute ad ordeyne que le garrantie del pere ne ſerra barre a ſon fits pur les terres que veigne del heritage le mere, ne le garrantie de le mere ne ſerra barre al fits pur les terres que veigne del heritage del pere, per le ſtatute de 11. Henr. 7. capit. 20. & nul de les ſtatutes ad faite ne ordeyne remedie encounter le Garrantie que eſt collaterall al iſſue en le tayle, & pur ceo le garrantie que eſt collaterall al iſſue en le

then that is a collaterall warrantie, and by ſuch a collaterall warrantie the iſſue in the tail ſhalbe barred without any aſſets. And the cauſe that ſuch a collaterall warranty is a barre to the iſſue in ȳ tail, is for that that all warranties before the ſtatute of Glouceſter, which diſcended to thē which be heires to them that made ȳ warranties were barres to ȳ ſame heires to demaund any lands, except the warranties that began by diſſeiſin, and for that that the ſaid ſtatute hath ordeyned that the warrantie of the fater ſhall be no barre to his ſonne for the landes which come of ȳ heritage of the mother, nor the warrantie of ȳ mother ſhalbe no barre to the ſonne for the lands which come of the heritage of the father by the ſtat. 11. H. 7. cap. 20 and none of the ſtatutes hath made nor ordained remedie againſt the warrantie that is collateral to the iſſue in the tail, & therfore the warranty that is collateral to the iſſu in the taile,

taile, is yet in his force, & shall be a barre to the issue in the taile, as it was before the statute. Also it behoueth that al warrãties whereby any heire shal be barred, that the warranty discend by the course of cõmon law, to h in which is heire to him that made the warranty, or els it shal bee no barre, for if the tenant in the taile, of lands in Borow English, wher the yongest sonne shall inherite by the custome discontinueth the taile, and hath issue ij. sonnes, & the vncle releaseth to the discontinuee with warranty and dieth, and the yonger sonne bringeth a Formedone, yet hee shall not bee barred by such warranty, causa qua supra. Also if any man make any deede with warrantie, whereby his heire should bee barred, & after he y made the warranty be attaint of felonie, then his heire shall not be barred by such warrantie, for that that such warrantie might not discend vpon him, for that that the blood is corrupt.

tayle, vncore est en sa force, & serra barre al issue en le taile, come il fuit deuaunt le statute. Auxy il couient que toutes garranties, per que ascun heire serra barre, que le garrantie discend per course del common ley, a celuy que est heire a luy que fist le garrantie, ou autrement il ne serra barre, car si le tenaunt en le taile des terres en Borow Englisch, leu le puisne fites enheritera per la custome discontinua le le tayle, & ad issue deux fites, & le vncle releasa al discontinuee oue garrantie & deuie, & le puisne fites port Formedone, vncore il ne serra barre per tiel garrantie, causa qua supra. Auxy si ascun home fait ascun fait oue garrantie, per quel son heyre serroit barre, & puis cestuy que fist le garrantie soit attaint de Felonie, donques son heire ne serra barre per tiel garrantie, pur ceo que tiel garrantie ne puyt discender sur luy, pur ceo que le sanke est corrupt.

Gar-

Garranty commenceant p disseisin, est si le fits purchase terre, & puis lessa le terre a son pere pur terme dans, & le pere per son fait de c' enfeosta vn estrange, & oblige luy & ses heires a garrantie, & le pere deuie, per quel le garrantie discende al fits, vncore cest garrantie ne barrera my le fits, mes le fits bien poit enter nient obstant cel garrantie, pur ceo que cest garrantie commensast per disseisin, quaunt le pere fist le feoffement, que fuit vn disseisin al fits: Et come est dit de pere, issint poit este dit de chescun auter auncestour. Et mesme le ley est si launcestour soit tenaunt per Elegit, ou per Statute marchant, & fait ascun feoffement oue garrantie, tielx garranties ne serront barres, pur ceo que ils cõmenceont per disseisin.

Garranty beginning by disseisin, is if the sonne purchase lands, & after let the lands to his father for term of yeres, & the father by his deede infeoffeth a stranger, & bindeth him & his heires to warranty, & the father dieth, whereby the warrantie discendeth to the sonne, yet this warrantie shall not barre the son, but the son may well enter notwithstãding his warrantie, for þ that this warrantie began by disseisin, when þ father made the feoffement, which was a disseisin to the son. And as it is said of the father, so it may bee said of euery other auncestor. And the same lawe is, if the auncestor be tenant by Elegit, or by Statute marchant, & make a feoffement with warranty, such warrãties shal be no barres, because they begin by disseisin.

252 Garrantie.

GArrantie, est quaunt vn est lie al auter que ad terre, de garrant le terre a luy, le quel poit commence per deux meanes,

Garrantie.

GArrantie, is when one is bound to an other which hath land, to warrant the lãd to him, which may beginne two wayes,

s. by

s.by deede of law: Or if one of his auncestors hath held land of an other and his auncestors time out of mind by homage, which is called Homage auncestrell: Or by deede of the party which graunteth by deede or fine to the tenant of the land to warrant it to him: upon which warranty, if the tenant be impleaded by him which ought to warrant, or his heires, the tenaunt shall barre the demaundant by pleading of the warrantie against him, which is called Rebutter: Or if he bee impleaded by an other in an action, wherein he may vouch, hee shall vouch him which warranted, or his heires, and if the plaintife recouer, the tenaunt shall recouer in value against the voucher.

cestasc.p act del ley: Come si vn & ses auncestors ont tenus terre del auter, & ses auncestors per temps dont memorie ne court per homage, que est appelle Homage auncestrel: Ou per lact del partie que graunta per fait ou fine al tenaunt del terre de Garrant ceo a luy: sur quel garrantie si le tenant soit implede per luy que doit garrant, ou ses heires, le tenaunt barra le demandant per pleader del garrantie vers luy, que est appel Rebutter: Ou si soit implede per auter en action, en q̄ il poit vouch, il vouchera cestuy que garrant̄, ou ses heires; Et si le plaintife recouer, le tenant recouera en value vers le vouchee.

253 Gard.

WArd, is when an infant whose auncestor held by knights service, is in the ward or keeping of the Lord of whom those lands were holden. And if the tenaunt holde of diuers Lords diuers

Gard.

GArd, est quant vn enfant que auncestor tient per seruice de chiualrie, est en le garde & custodie de le Seignior de que ils fueront tenus. Et si le tenaunt tient de diuers Seygniours diuers

terres

terres, celuy Seignior de que il tient per prioritie, ceſt aſcauoit, per le plus auncient tenure, auera le garde del enfant: Mes ſi vn tenure ſoit auxy auncient que le auter, donques celuy que primes happa le garde de le corps gardera ceo: Mes en ceo caſe cheſcun Seignior auera le garde del terre que eſt tenus de luy. Mes ſi le tenant tient aſcun terre del Roy en chiefe, donques le Roy per ſa Prerogatiue auera le garde del corps, & de tout le terre que eſt tenus de luy, & de cheſcun auter Seignior.

Auxy ſont diuers briefes de Garde, vn eſt briefe de Droit de garde, & giſt lou le tenant deuie, ſon heire deins age, & vn eſtrange entra en le terre, & happa le gard de corps de lenfant.

Briefe de eiectment de garde giſt lou home eſt ouſte de la garde de terre ſauns le corps de le enfant.

Briefe de Rauiſhment de

lands, the Lord of whom the land is holden by prioritie, that is to ſay, by the more elder tenure, ſhall haue the wardſhip of the infant: But if one tenure be as old as the other, the hee that firſt happeneth to haue the ward of the bodie ſh ll keepe it: But in that caſe euery Lord ſhall haue the ward of the land that is holden of him. But if the tenaunt hold any land of the King in chiefe, then hee by his Prerogatiue ſhall haue the ward of the bodie, and of al the land that is holden of him, and of euery other Lord.

Alſo there bee diuers writs of warde, one is a writ of Right of warde, and that lyeth where the tenaunt dyeth, his heire within age, & a ſtraunger entreth into the land, and happeneth to haue the ward of the body of the infant.

A writ of Eiectment of ward lyeth where a man is put out of the ward of the land without the body of the infant.

A writ of Rauiſhmēt of ward

ward lyeth where the body is taken from him onely, & not the land.

214 Wardeine.

WArdeine or Gardeine, most properly is he that hath the wardship or keeping of an heire, and of his lande holden by knights seruice, or of one of them to his owne vse, during the nonage of the heire, & within that time hath the bestowing of the bodie of the heire, in marriage at his pleasure, without disparagement.

And of wardeins there be two sorts, namely gardeine in right, & gardein in deed.

Gardeine in right, is he that by reason of his seignory is seised of his ward ship or keeping of the land, and of the heire during the nonage of the heire.

Gardeine in deede, is where the Lord after his seisin, as aforesaid, graunteth by deede, or without deede, the wardship of the lande, or of the heire, or of both to another, by force of which grant, the graunte is in possession, then is the

gard gist lou le corps est prise de luy solement, & nient le terre.

Gardeine.

WArdein, ou Gardein, plus proprem̃t est celuy que ad le garde ou custody dun heire, & de son terre tenus per seruice de chiualrie, ou de vn de eux a son vse demeine, durant le nonage del hr̃e, & deins ceste temps ad le bestowing del corps del hr̃e, en marriage al son volūt sans disparagement.

Et de gardeynes il y ad deux sorts, nosmement, gardeine en droit, & gardeine en fait.

Gardein en droit, en celuy que per reason de son Sr̃y est seisie del gardship ou custody del terre, & del hr̃e, durant le nonage del heire.

Gardeine en fait, est lou le Seignior apres son seysin, come auantdit, graunta per fait, ou sauns fayt, le gardship del terre, ou del heire, ou de amdideux a vn auter, per force de quel graunt, le grauntee est en possession, donques est le

grauntee appel gardein en fait.

Et ceſt gardeine en fayt poyt graunt le heire al auter auxy: Mes ceſt auſi neſt properment appel gardein en fait, car ceo eſt le grantee del gardein en droit ſolement.

Mes le garden en ſocage ad le profit ſolemt alvſe del hẽe ieſq; il ad accõpliſh le age de 14. ans, & rendſ pur ceo accompt al hẽe. Vide plus de ceo Littleton lib 2.cap.4. & 5. Et Stamford ſur ſtat. de Prærog.cap.1.2.& 6.

graunté called gardein in deede.

And this gardein in deed may grant the heire to another alſo: But that other is not properly called gardein in deed, for that is the graunté of the gardein in right onely.

But the gardeine in ſocage hath the profit onely to the vſe of the heire, vntil hee accompliſh ẏ age of 14. yeeres, and muſt yeild therefore an account to the heire, See more hereof Littl.lib.2 ca.4. ſ 5. And Stamf. vpon the ſtatute of Prerogatiue cap.1.2,ſ 6.

255 Garniſhment.

GArniſhment eſt, ſicome vn action de Detinue des charters eſt port vers vn, & le defendaunt dit, que les charters fueront deliuer a luy per le playntife & per vn auter ſur certain conditions, & prie que lauter ſoit garnie de pleader oue le plaintife ſi les conditions ſont perimples ou nemy, & ſur ceo vn briefe de Scire facias iſſera vers luy, & ceo eſt appelle Garniſhment,

Garniſhment.

GArniſhment is, if an action of detinue of charters bee brought againſt one, & the defendant ſaith, that the charters were deliuered to him by ẏ plaintife & by another vpõ certaine conditions, & prayeth that ẏ other may be warned to plede with ẏ plaintife if the conditions be pformed or no, & thereupon a writ of Scirie facias ſhall goe forth againſt him, and that is called garniſhmẽt, and

and the other when hee commeth, shall plead with the plaintife, and that is called Enterpleder.

256 Gauelet.

GAuelet, is a special and auncient kind of Cessauit vsed in Kent where the custome of Gauelkind continueth: whereby the tenaunt shall forfaite his landes and tenements to the Lord of whom they are holde, if he withdraw from his Lord his due rēts & seruices, after this maner as followeth.

If any tenaunt in Gauelkind, withhold his rēt and his seruices of the tenement which hee holdeth of his Lord, let the Lord seke by the award of his Court from three weeks to three weekes to finde some distresse vpon the tenement vntill the 4. court, alwayes with witnesses. And if within ỹ time, hee can find no distres in that teneiment, wherby he may haue iustice of his tenant, Then at the 4. Court let it be awarded, that he shal take that tenemēt into his hand, in the name of a di-

& lauter quāt il vient eins pledera oue le plaintife, & ceo est appel Enterpleder.

Gauelate.

GAuelate, est vn especial & ancient kind de Cessauit vsed en Kent lou le Custome de Gauelkinde continue, per quel le tenant forfeitera ses terres & tenements al Seigniour de que ils sont tenus, sil detaine de son Seigniour ses due rents & seruices, solonque cest maner que ensuist.

Si ascun tenaunt en Gauelkind retaine sa rent, & ses seruices de le tenement que il tient de son Seigniour, querge le Seigniour per agarde de sa Court, de trois semaignes en trois semaignes, de trouer distresse sur cel tenement ieſque a le quart court, a toutes foites per tesmoignes. Et si deins cel temps ne troue distres en cel tenement, per queux il puisse son tenant justifier, Dōques a la quart Court soit agarde que il preigne cel tenement en sa maine, en nosme de di-

ſtreſſe, auxy come ſuit Boefe ou Vache, & le tient vn an & vn iour en ſa maine, ſauns maine oueter, deins quel terme, ſi le tenaunt vient, & rende ſes arrerages, & faite reaſonable amendes de la deteiner, adonc eit & irroy ſon tenement, ſicome ſes aunceſtours & luy auaunt tiendront. Et ſil ne vient deuaunt le an & le iour paſſe, donc auage le Seignior al procheine Countie Court ſuyant oue teſmoignes de ſa Court, & face la pronuncier cel proceſſe pur teſmoynage auer, & per agard de ſa Court (apres ceo Countie tenue) entra & meynouera en cels terres & tenements ſicome en ſon demeſne. Et ſi le tenant vient apres, & voyle reauer ſes tenements, & tener ſicome il fiſt deuaunt, face gree al Seigniour, ſicome il eſt auncientmẽt dit.

Neghe ſith ſelde, & neghe ſith gelde, & v.li.

ſtreſſe, as if it were an oxe or a cow, and let him keep it a peare and a day in his hand, without manuring it: within which terme if the tenaunt come and pay his arrerages, and make reaſonable amẽds for the withholding, then let him haue and inioy his tenement as his aunceſtors and he before held it: and if hee doe not come before the peare and the day paſt, then let the Lord goe to next County court with his witneſſe of his owne Court, & pronounce there this proceſſe to haue further witneſſes, and by the award of his Court (after ỹ County court holde) he ſhall enter & manure in thoſe landes & tenements as in his owne. And if the tenant come afterward, & will rehaue his tenemẽts, and holde them as hee did before, let him make agreement with the Lord, according as it is auncientlie ſaid.

Hath hee not ſince any thing giuen, nor hath hee not ſince any thing paied, Then let him pay v.li. for

for his were ere before he become tenaunt or holder againe. See hereof 10 H. 3. Fitz. Cessauit 60. & statute 10. E. 2. of Gaulet in London, in the collection of statutes, London 2. matter much tending to this purpose, that by this word Gaulet, the Lord shall haue the land for the ceasing of the tenant. And see West. 2 cap. 21. which giueth Cessauit.

There be some copies that haue the first Verse thus written.

Nisith yelde, and nisith gelde.

And others thus.

Nighesith yeld, & nighesith geld.

But these differ not in signification: other copies haue it after this sort.

Nigondsith seld, and nigondsith geld.

That is to say: Let him ix. times pay, and ix. times repay.

157 Gaulekind.

GAulekind, is a custome annexed & going with landes in Kent called Gaulekind landes holden by auncient Socage te-

for the were, er kee become healder. Vide de ceo 10. Hen. 3. Fitzherb. Cessauit 60. & statute 10. Ed. 2. de Gaulet en London, en le Collection del Statutes London 2. matter tendant mult a cel purpose, que per cel parol Gaulet le Seigniour auera le terre pur cesser le tenaunt. Et vide West. 2. cap. 21. que done Cessauit.

Il y ad ascuns copies que ad le primer Verse issint escript.

Nisith yelde, and nisith gelde.

Et auters issint.

Nighesith yelde, and nighesith geld.

Mes ceux ne differ en signification: auters copies ont ceo solonque ceſt sort.

Nigondsith seld, & nigondsith geld.

Cestascauoir, payera il nouies foites, & nouies foites repay.

Gaulekind.

GAulekind, est vn custome annexe & currant oue terres é Kent appelle Gaulekind terres tenus en ancient Socage te-

nure. Et eſt penſe per les erudite en Antiquities, deſte appel Gauelkind de Gyue al kinne, ceſt adire a toutes les kinne en vn line, accordant come eſt vſe entre les Germans, de que nous Anglois, & eſpecialment de Kent venomus. Ou il eſt appel Gauelkind de Giue al kinde, ceſt adire al toutes les males, car kind en Dutch ſignifie vn male. Et diuers auters ſemble coniectures ſont fait per eux de le noſme (Gauelkind) le quel ieo omit de purpoſe pur breuitie.

Les plus vſual cuſtomes de eux ſont, que le terre eſt diuidable enter les heires males, & que le heire al age de xv. ans poit done & vende ſa terre, & ſerra inherite, coment ſon pere ſoit attaint & pendue pur felonie, & ſa feme ſerra endowe del demy del terre, dont ſon baron deuie ſeiſie, & le baron ſerra tenaunt per le Curteſie del demy, coment ne auoit iſſue per la feme: mes le eſtate del baron & feme ceaſe per lour ſecoud ma-

nure. And is thought by the ſkilful in Antiquities, to be called Gauelkind of Giue al kin, that is to ſay, to all the kindred in one lyne, according as it is vſed among ẏ Germans, from whom wee Engliſh men, and chiefly of Kent come. Or elſe it is called Gauelkind of Giue all kind, that is to ſay, to all the male children, for kind in Dutch ſignifieth a male childe. And diuers other like coniectures are made by thē of that name (Gauelkind) which I omit of purpoſe for ſhortnes ſake.

The moſt vſuall cuſtomes of them are, that the land is diuidable betwen the heires male, & that the heir at the age of xv yeres may giue & ſell his land, & ſhal inherite, although his father be attainted & hanged for felony, & his wife ſhalbe indowed of half the land, whereof her huſband died ſeiſed, & the huſband ſhal be tenāt by the curteſie of the halfe, although he haue no iſſue by his wife, but ẏ eſtate of ẏ huſband & wife ceaſeth by their ma-

riage,

riage. And diuers other customs are vsed in Kent of landes in Gauelkinde, for which see the Perãbulation of Kent, made by M. Lambert. For which cause the residue I will omit as vnnecessary for this booke, & intreated of largely in the said Perambulation.

riage. Et diuers autres custõs sont vses en Kent de terres en Gauelkind, pur queux veies le Perambulation de Kent, fait per M. Lambert. Pur quel cause le residue ieo voyle omit come impertinent a cel lieur, & intreat amplement en le dit Perambulation.

258 Gelde.

GElde, is to bee quite of seruile customes which were wont to bee giuen, & are yet giuẽ, as horngeld, and such like.

Gelde.

GElde, hoc est quietũ esse de consuetud seruilib' q̃ quond dari consueuerũt & adhuc dant, cõe hornegelde & hijs similibus.

259 Graund Cape.

GRaund Cape, look therfore after in the title Petite Cape.

Graund Cape.

GRaund Capias, vide de ceo apres title Petit Cape.

260 Graund Serieanty.

GRaũd Serianty, is when a man holdeth of the King certaine land by the seruice of carrying his bãner or launce, or to leade his hoste, or to be his caruer, or butler at his Coronation, and that is the most honourable seruice & most worthy that a tenant may doe, and for that it is called graund seriantie. But petit seriantie is when one

Graund Serieanty.

GRaũd Serieanty est lou vn hõe tiẽt de Roy certain terres per le seruice de porter sõ banũ ou launce, ou amesner son hoste, ou destre son caruer ou butler a son Coronment & tiels semblables, & ceo est la pluis honorable seruice & pluis digne, que le tenant poit faire, & pur ceo est appel graund Serieanty. Mes petit seriantie est quant vn

tient de Roy rendant a luy annuelment vn ark, vn coteau, vn laũce, & tiel sembl', & ceo nest forsque socage en effect, mes hom ne poit tener in graund serieanty ne ꝑ petit serieanty si nõ de Roy. Auxy si tenant per graund serieanty morust son heire esteant de plein age, le heyre payera al Roy pur reliefe le value des terres ouster les charges que il pay al Roy per graund serieanty: mes cestuy que tient per Escuage payera pur son reliefe forsque C.s.

Auxy ceux que sont en le Marches de Scotland, que tient del Roy per Cornage, cest est, pur ventiler vn cornu quant les Scots entront en Angleterr, sont tenants per graund serieantie.

Auxy ou vn home tient de Roy pur trouer vn home en sa guerre deins le Realme, cest est dit graund Serieanty, pur ceo que il est faite per corps dun home. Et si le tenant ne poit trouer home de faire ceo, donques il est tenus de fayre ceo luy mesme.

holdeth of the King, paying to him yearely a bow, a sword, a speare, and such like, and that is but Socage in effect, but a man cannot hold in grand serieantie, or by petit serieãty but of the King. Also if a tenant by graund serieantie dieth, his heire being of full age, the heire shall pay to the King for reliefe the value of the lãds ouer the charges that he paieth to the king by graund serieanty: but hee that holdeth by Escuage shall pay for his reliefe but C.s.

Also those that be in the Marches of Scotland, that holde of the King by Cornage, that is, to blow an horne when the Scots enter into England, are tenants in graund Serieantie.

Also where a man holdeth of the King for to find a man in his warres within the Realme, that is called graund Serieantie, for that, that it is done by a Mans bodie: And if the tenant cannot find a man to do it, then he is bound to do it himselfe.

And

And hee that holdeth by graund Serieantie holdeth by knights ſeruice, & the king ſhal haue warde, mariage, & reliefe, but not of them that holde by petit Serieantie, but the king ſhal not haue of thē that hold by graund Serieantie Eſcuage, except ꝑ they hold by Eſcuage. So they ꝑ hold by graund ſerieantie or eſcuage, hold by knights ſeruice. But one may hold by graund ſerieantie, & not by eſcuage, & by eſcuage, & not by grand ſerieantie. And ꝑ knights ſeruice alwaies draweth to him ward, mariage and reliefe.

Et il q̄ tient ꝑ grand ſerieanty tient ꝑ ſeruice de chiualer, & le Roy auer̄ gard, mariage, & reliefe, mes nemy de ceux que tient ꝑ petite Serieantie, mes le Roy nauera de eux que tient per graund ſerieanty eſcuage, ſi non que ils tient ꝑ eſcuage. Iſſint ceux que tient per graund ſerieanty ou eſcuage tient ꝑ ſeruice de chiualer. Mes vn poit tener per graund ſerieanty & nemy per Eſcuage, & per Eſcuage & nemy per graund ſerieantie. Et le ſeruice de chiualer touts foyts treyt a luy garde, mariage, & reliefe.

161 Grithbreach.

GRithbrech, that is the kings peace broke, becauſe (Grith) in English, is Pax in Lattne.

Grithbrech.

GRithbrech, hoc eſt pax domini Regis fracta, quia (Grith) Anglicè Pax Latinè.

H

162. Habere facias ſeiſinam.

HAbere facias ſeiſinā, is a writ iudiciall, & it lieth where one hath recouered certain lands in the kings Court, then hee ſhall haue

H

Habere facias, ſeiſinam.

HAbere facias ſeiſinam, eſt vn briefe iudiciall, & giſt lou vn ad recouer certaine terres en Court le Roy, donques il auera ceſt

eeſt bꝛe direct al Vicount, luy commaundant de doñ a luy ſeiſin del tre, & ne ſerk retournable.

263 Hangwit.

HAngwit, hoc eſt quietũ eſſe de latrone ſuſpenſo ſine iudicio, vel extꝛ cuſtodiam veſtram euaſo.

264 Hariot.

HAriot, eſt en deux ſorts, lun Hariot cuſtome, le auter Hariot ſeruice.

Hariot ſeruice (aſcuns dionꝭ) eſt mult foits expꝛſſe en le graunt dun home ou en ſon fait, que il tient per tiel ſeruice pur paier hariot al temps de ſon mort, Et cẽ Hariot eſt payable apꝰ le mort de le tenant en fee ſimple.

Hariot cuſtome, eſt lou Hariots ont eſte paies tẽps hors de memory p cuſtom. Et c' poit eſte apꝰ le mort del tenãt pur vie &c. mes a parler de ceo generalm̃t,

Hariot eſt le meliour beaſt (ſoyt il Chiual, Boef, ou Vache) que le tenaunt ad al temps de ſon mort, Et le Seignior poyt

that writ directed to the Sherife, commaunding him to giue him ſeiſin of that laude, and it ſhall not de retournable.

Hangwit.

HAngwit, that is to bee quit of a theefe or felon hanged without iudgemẽt or eſcaped out of your cuſtodie.

Hariot.

HAriot, is in two ſortes, the one Hariot cuſtõe, the other Hariot ſeruice.

Hariot ſeruice (ſome ſay) is often expꝛſſed in a mans graunt or deed that he holdeth by ſuch ſeruice to pay Hariot at the time of his death. And this hariot is payable after the death of the tenaunt in fee ſimple.

Hariot cuſtome, is wher Hariots haue becne paide time out of mind by cuſtõ. And this may be after the death of tenant for life &c. but to ſpeake therof generally,

Hariot is the beſt beaſt (whether it be Horſe, Oxe or Cow,) that the tenant had at ỹ time of his death. And the Lord may either ſeiſe

seise, or take a distresse for it, whether it bee Hariot service, or Hariot custome, to the Lords use of whom the tenant held, by his baylife, or other officer belonging to his manour. But of right the Lord nor his officer shenld not take Hariot before it bee presented at the next court holden after the tenant is dead, and that such a beast is due to the Lord for his Hariot.

265 Haybote, or Hedgebote.

HAybote, or Hedgebote, is necessarie stusse to make and amend hedges, which the lesse for yeres, or for life, of commō right may take vpō the ground, to him leased, although it bee not expressed in his lease, and although it bee a lease by words without writing.

Haybote also may be taken for necessarie stusse o make rakes, forks & such like instruments wherewith men vse in Summer to tedde & make hay. And so a lesse for yeares took it, and it was allowed him

seise, ou prēder vn distresse pur ceo, soit il Hariot seruice, ou Harjot custome, al vse del Seigniour de que le tenaunt tient per son baylise, ou auter officer de son manour. Mes de droit le Seigniour ne son officer ne doit prender Hariot deuaunt que il soit presēt al procheine court tenus apres le tenaunt est mort, & que tiel beast est due al Seigniour pur son Hariot.

Haybote, ou Hedgebote.

HAybote, ou Hedgebote, est necessarie stusse pur faire & amend hayes, que lessee pur ans, ou pur vie, de common droit poyt prender sur le terre a luy lesse, nient obstant il ne soit expresse en son lease, & nient obstant que il soit vn lease per parolx sans escript.

Haybote auxy poit estre prise pur necessarie stuf p faire rakes, forkes, & tiels semblables instrumēts oue queux hōes vsont en Summer de tedder & faif seine. Et issint vn lessee pur ans prist ceo, & suit a luy allow

per

per ſon leſſor, plus toſt cõe ieo ſuppoſe, pur ceo que tiels inſtruments ſont communement fait de ſlender ſubboys, que per le common ley le leſſee pur ans poit ſuccider & prender come eſt auantdit.

by his leſſour, the rather, as I ſuppoſe, for that ſuch inſtruments are commonly made of ſlender vnderwood, which by the common Lawe the leſſee for yeares may cut and take as is aforeſaid.

166 Hidage.

HIdage, hoc eſt quietum eſſe, ſi dominus Rex talliauerit totam terram per hidas.

Notaq́ vn Hide de terre eſt vn entier plough land: Et ceſt kind de taxing per hides fuit mult vſe en viel temps, cibien pur prouiſion de Armour, come payments de argent, & ceo principalment en les iours del Roy Etheldred (vn Roy en ceſt pays deuant le Conqueſt) que en le an de Chriſt 1006. quãt les Danes priſtef land al Sandwich en Kent, taxè tout ſon terre per hides en ceſt maner, Que cheſcun 310. hides de terre doient trouer vne nieſe furniſhe, & cheſcun 8. hides doient trouer vn Iacke & vn Sallet, pur le defence del Realme.

Hidage.

HIdage, that is to bee quite, if the king ſhall take all the land by hides.

Note that a Hide of lãd is a whole plough lande. And this kinde of taxing by hides was much vſed in olde time, aſwell for prouiſion of Armour, as payments of Money, and that chiefely in K. Ethelreds dayes (a King in this Countrey before the Conqueſt) who in the yeare of Chriſt 1006. when as the Danes landed at Sandwiche in Kent, taxed al his land by hides thus, That euery three hundred and tenne hides of land, ſhould finde one ſhip furniſhed, & euery eight hides ſhould finde one Iacke and one Sallet, for the defence of the Realme.

267 Hotchpot.

HOtchpot, is a medling or mixing together, & partition of landes giuen in Frankmariage, with other landes in fee simple discended. As for example: a man seised of 30. acres of lande in fee simple hath issue two daughters, and giueth with one of his daughters to a man that marrieth her x. acres of the same land in frankmariage, and dyeth seised of the other xx. acres: Now if shee that is thus married will haue any part of the twenty acres whereof her father died seised: shee must put her landes giuen in frankmariage in Hotchpot, that is to say, shee must refuse to take the sole profits of the lande giuen in frankmarriage, and suffer the lande to bee commixt and mingled together with the other lande whereof her father dyed seised, so that an equall diuision may bee made of the whole betweene her and her sister: And thus for her tenne acres shee shall

Hotchpot.

HOtchpot, est vn medling ou mixing ensemble, & vn partition de terres done en Frankmarriage, ouesque auter terres en fee simple discendus. Come pur example: vn home seisie de 30. acres de terre en fee simple, ad issue ij. files, & done ouesque vn des ses files al vn home que luy marrie 10. acres de ceo terre en frankmarriage, & moruſt seisie de les auters 20. acres: Ore si el que est issint marrie veilloit auer aſcun part de les 20. acres de que son pere moruſt seisie: el doit mis les terres done en frankmariage en Hotchpot, ceo est adire, el doit refuser de prender le sole profite de terre done en frankmarriage, & suffer le terre de estre commixt & mingle ensemble ouesque le auter terre de que son pere moruſt seisie, issint que vn equall diuision poit estre faite de lentyer perenter luy & sa soer. Et issint pur sa 10. acres, el

auera

auera xv. autrement ſa ſoer voit auer les 20. acres, de que lour pere moruſt ſeiſie.

268 Homage.

HOmage, eſt vn ſeruice que ſerra fait en tiel maner, ceſtaſcauoir, le tenant en fee ſimple, ou fee taile, que tient p homage genulera ſur ambideux genues diſcincte, & le Seignior ſeera, & tiendra les maines ſon tenant enter ſes maines, & le tenant dire: Ieo deueigne voſtre home de ceſt iour en auant de vie & de member, & de terreine honour, & a vous ſerra foyal & loyal, & foy vous portera des terres que ieo claime de tener de vous, ſalue le foy que ieo doy a noſtre Seignior le Roy, & donques le Seignior iſſint ſeant, luy baſera.

Mes coment Fealtie ſerra fait, vide deuant en Fealty.

Et le Seneſchal le Seignior poit prender fealtie, mes nemy Homage.

269 Homage aunceſtrel.

HOmage aunceſtrel, eſt lou vn home & ſes aunceſtours de temps dont

haue fifteene, elſe her Siſter will haue the twentie acres, of which their Father died ſeiſed.

Homage.

HOmage, is a ſeruice which ſhall be made in ſuch maner, that is to ſay, the tenant in fee ſimple, or fee taile, that holdeth by homage, ſhall kneel vpon both his knees vngirded, and the Lord ſhall ſit and ſhall hold the hands of his tenãt between his hands, and the tenannt ſhall ſay: I become your man from this day foreward of life & member, & of earthly honour, and to you ſhall bee faithfull & true, and ſhall beare to you faith for the lands that I claim to hold of you, ſauing that faith that I owe to our Lord the King, & then the Lord ſo ſitting, ſhal kiſſe him.

But how Fealtie ſhal be done, look before in fealty.

And the Steward of the Lord may take fealty, but not homage.

Homage aunceſtrel.

HOmage aunceſtrel, is where a man and his aunceſtours of time out of mind,

mind, did hold their land of their lord by homage. And if such Lord hath received homage, he is bound to acquite the tenant against all other Lords above him of cuerie maner ſeruice. And if the tenãt hath done homage to his Lord, & bee impleaded, & voucheth the Lord to warrantie, the Lord is bound to warrant him, and if the tenant loſe, hee ſhall recouer in value against the Lord ſo much of the lands as hee had at the time of the voucher, or any time after. Also if a man that holdeth his land by homage auncestrell alien the land in fee, then the alienee ſhall do homage to his Lord, but he ſhall not hold by homage auncestrell for that the continuance of the tenancy in the blood of the firſt tenaunt is diſcontinued.

memory ne courge, ont tenus la tre del Seignior per Homage. Et ſi tiel Sſir ad reſceiue homage, il eſt tenus de acquiter le tenaunt vers touts autres Sſirs paramount luy de cheſcun maner ſeruice. Et ſi le tenãt ad fait homage a ſon Sſir, & ſoit implead, & vouch le Seignior a garrantie, le Sſir eſt tenus de luy garranter, & ſi le tenant perde, il recouera en value vers ſon Seignior tant des terres que il auoit al temps de la voucher, ou vnques puis. Auxy ſi home que tient ſa terre per homage auncestrell alien le terre en fee, donques le alienee ferra Homage a ſon Seigniour, mes il ne tiendra per Homage auncestrell, pur ceo que le continuance del tenancie en le ſanke del primer tenaunt eſt diſcontinue.

270 Homeſoken. Homeſoken.

HOmeſoken, (or Hameſoken,) that is to bee quit of amerciaments for entring into houſes violently and without licence,

HOmeſoken, (ou Hameſoken) hoc eſt quietum eſſe de amerciamentis de ingreſſu hoſpiciorum violenter & ſine licentia,

&

& contr̃ pacẽ domini Regis. Et quod teneatis placit̃ de hm̃odi transgres. facta in Curia vestra, & in terris vestris.

and contrarie to the peace of the king. And that you hold plea of such trespasse done in your Court, and in your land.

271 Homicide, ou Manslaughter.

HOmicide, ou Manslaughter, est le occider dun hom̃ feloniousm̃t sans malice prepensed. Il est auxy define issint, Homicidium est hominis occisio ab homine facta. Si autem a cane, boue, vel alia re, nõ dicitur proprie homicidiũ. dicitur homicidium ab homine & cædo quasi homicidium.

Homicide, or Manslaughter.

HOmicide, or Manslaughter, is the killing of a man feloniously without malice forethought. It is also defined thus, Homicide is the killing of a man by a man. And if such killing bee done by a dog, oxe, or other thing, it is not properly called homicide, for it is called homicid of a man and to kil, as the killing of a man.

272 Hornegelde.

HOrnegelde, hoc est quietum esse de quadã cõsuetudine exacta per tailagium p totã terrã, sicut de quacunque bestia cornuta.

Hornegelde.

HOrnegelde, that is to be quit of a certaine custome exacted by Tallage throughout all the land, as of whatsoever horne beast.

273 Housebote.

HOusebote, est necessarie mesme, que le lessee pur ans, ou pur vie, de common droit poit p̃ndre sur le terre, pur repayrer les measons sur mesme le terre a luy lesse, nient obstant il ne soyt exp̃sse en le lease, & nient obstant il

Housebote.

HOusebote, is necessarie timber, that the lessee for yeares, or for life, of common right may take vpon the ground, to repair the houses vpon the same ground to him leased, although it bee not expressed in the lease, & although it be

bee a leaſe by wood without bred. But if hee take more then is needfull, hee may be punished by an action of Waſte.

274 Hundred.

HVndreds, were diuiſed by Alfred the king after that hee had diuided the whole Realme into certain parts or ſections, which of the Saxō word Scyran, ſignifying to cut, be termed Shires, or (as we yet ſpeake) Shares & porcions. Theſe Shires hee alſo diuided into ſmaller parts, whereof ſome were called Lathes of the word Gelathian, which is to aſſemble together, others Tythings, ſo named, becauſe there were in each of them to the nūber of ten perſons, whereof each one was ſurety & pledge for others good abearing: Others Hundreds, becauſe they contained iuriſdiction over an hundred men or pledges, dwelling peraduenture in 2. or three or more parishes, boroughes, or towns, lying & adioyning nevertheleſs ſomewhat nere

ſoit vn leaſe per parolx ſans fait. Mes ſi il priſt pluis que beſoigne, il poyt eſtre puniſh per vn actiō de waſte.

Hundred.

HVndreds, fueront deuiſe per Alfred le Roy, apres que il ad deuide le entier Realme en certaine parts ou ſections, le quel de le Saxon parol *Scyran*, ſignificant de ſcinder, il terme Shires, ou (ſicome nous vncore parle) Shares & porcions. Ceux Shires il auxy deuide en petites parts de queux aſcuns fueront appelles Lathes, de le parol *Gelathian*, que eſt de aſſembler enſemble, auters Tythings, iſſint noſme, pur ceo que la fueront en cheſcun de eux al number de dize perſons, de que cheſcun fuit ſuertie & pledge pur auters bone behauiour: Auters Hundreds, pur ceo que ils containe iuriſdiction ſur vn 100. homes ou pledges, demurrant peraduenture en deux, ou trois, ou plus paroches, boroughes, ou villes, eſteant & adioynants niēt meins

ensemble, en le quel il appoint administration de Iustice destre exercise seueralment enter eux de mesme le hundred, & nemy que lun irra hors disorderment en lauter hundred, lath, ou tything, en que il ne demurt. Ceux hundreds continue a cest iour en force; nient obstant ne en tout al mesme le purpose, pur que al primer ils fueront ordein. vncore a ore mult necessarie & en temps de peace pur bone order de gouernement diuers voyes, & auxy en guerre pur certainetie de leuying de homes: cõe autrement pur le plus spedy collections de paymẽts graunt en Parliament a les Roies & Roignes de cẽ Realme.

together in which hee appointed administration of Iustice to be exercised seuerally amongst them of ꝑ same hundred, & not that one should runne out disorderly into anothers hundred, lath, or tything, wherein he dwelleth not. These hundreds continue to this day in force, although not altogether to the same purpose, whereunto at the first they were appointed, yet still verie needfull, both in time of peace for good order of gouernmẽt diuers waies, and also in warre for certaintie of leuying of men: as els for the more readie collections of paymentes granted in Parliament to the Kings and Quenes of this Realme.

375 Hundredum.

HVndredum hoc est quietum esse de denarijs vel consuetudinibus faciendis præpositis & hũdredarijs.

Hundredum.

HVndredum, that is to bee quitte of money or customes to be don to the gouernours and hundredors.

I

376 Ideot.

IDeot, est celuy quẽ est vn sot naturall de sa neisture, & ne scauoit de

I

Ideot.

IDeot, is he that is a sole naturally frõ his birth, and knoweth not how to acount

account or number twenie pence, nor cannot name his father, or mother, nor of what age himselfe is, or such like easie & common matters, so that it appeareth he hath no manner of understanding of reason, nor gouernment of himselfe, what is for his profit or disprofit &c. But if hee haue so much knowledge, that he can read, or learne to read by instruction and information of others, or can measure an Ell of cloath, or name the dayes in the weeke, or beget a child, son, or daughter, or such like, whereby it may appeare that he hath some light of reason: then such a one is no Ideot naturally.

accompter ou number xx, d'. ne poit nosmer ſó pere, ou mere, ne de quel age il meſm̃ eſt, ou tiel ſemblable plaine & common choſes, iſſint q̃ il appiert q̃ il had aſcun maner de entendemẽt de reaſon ne gouernment de luy meſm̃, quel eſt pur ſon profit ou diſprofit &c. Mes ſil ad tant intelligence que il poit lier, ou apprender de lier per inſtruction & informatiõ de auters, ou poit meaſure vn vlne de drape, ou noſmẽ les iours en le ſemaigne, ou engender vn enfãt, fits, ou file, ou tiel ſemblable, per que il poit appeare que il ad aſcun lumen de reaſon, donques tiel neſt Ideot naturalment.

277 Idemptitate nominis.

Idemptitate nominis.

IDemptitate nominis, is a writ, & it lyeth where a writ of debt couenant, or accõpt, or such other writ is brought against a man, and an other that hath the same name as the defendant hath, is take̅ for him, the̅ he shal haue this writ,

IDemptitate nominis, eſt vn briefe, & giſt lou bre̅ de Dette, Couenant, Accompt, ou tiel ſemblable bre̅ eſt port vers vn home, & vn auter que ad meſme le noſme come le defendant ad, eſt pris pur luy, donques il aſia ceſt briefe,

per que le vicont frainquirie deuaunt Iustice assigne en mesme le countie, si soit mesme le person ou nemy, & sil ne soit troue le party, donques il alera sauns iour en peace.

278 Ieofaile.

IEofaile, est quant les parties al ascun suit en pleadant ont a taunt proceede que ils ayent ioine issue quel terra trie, ou est trie per vn Iurie ou Enquest. Et cel pleading ou issue est cy malement plede ou ioine, que il serra errour si eux proceed: Donque ascun del dits parties poit per lour counsell monstre ceo al Court auxybien apres verdict done & deuant iudgement, come deuant le Iurie soit charge. Le monstrans des queux defectes deuaunt le Iurie charge, suit sount quant le Iurie veigne al Court de trier le issue: donques le counsell quel voit ceo monstre, dirra, Cest Enquest ne doies prender, Et si soit apres verdict, donques il poit dire, Al iudgement ne deues aler, Et

by the which the Shirtie shall make inquirie before the Iustice assigned in ỹ same countie, if he bee the some person or not, and if hee be not found to be the partie, then hee shall goe without day in peace.

Ieofaile.

IEofaile, is when the parties to any suit in pleading haue proceeded so far that they haue ioined issue which shall be tried, or is tried by a Iurie or Enquest. And this pleading or issue is so badly pleaded or ioined, that it will be error if they proceed: Then some of the said parties may by their counsell shew it to the Court as well after verdict giuen and before iudgement, as before the Iury be charged. The shewing of which defectes before the Iurie charged, was often when the Iurie came into the court to trie the issue: then the counsel which will shew it shal say, This Enquest yee ought not to take. And if it bee after verdict, then he may say, to iudgement you ought not to goe. And be-

because by such many delayes were in suites, diuers statutes are made to redresse thē, aswell in the time of K H.8. in the 32. yere ca. 30. as in the time of Queene Eliz. Wherefore a man may say as the Ciuilians say, that although Constantine the Emperor commanded the lawes of the Law to bee cut off, yet the daily vse of pleading doth seem again to recall them, or rather, some of them increase as the heads of Hidra.

pur ceo que p tielx multz delayes fueront en suites, diuers statutes sont faits de redresser ceo, auxy bien en temps de Roy H 8. Añ 32. cap. 30. come en le temps le Roigne Elizab. De queux home poit dire cōe les Ciuilians dionr, Quod tametsi iuris formulas amputari iusserit Constantinus Imperator, quotidianus tamen forensis vsus eas reuocasse videtur, vel potius, quod crescunt vt Hidræ capita.

279 Vnlawful assemblie.

VNlawfull assemblie, is where people assemble themselues together to do some vnlawfull thing against the peace, although that they execute not their purpose indeed.

Illoyall assemblie.

ILloyall assemblie, est lou people eux assemble insimul pur faire illoyal chose encounter le peace, nient obstant que ils ne execute lour purpose en fait.

280 Imparlance.

IMparlance, is when an action of debt, trespas, or such like is brought against a man, and after that ꝑ plaintife hath counted or declared, the defendant prayeth the Court, that hee may haue time to put in his answere to

Imparlance.

IMparlance, est quant vn action de dette, trespas, ou tielx semblables est port enuers vn home, & apres que le plaintife ad counte ou declare, le defendant prie le Court que il poit auer temps de mitter eins son respons al

auter iour en m̃ le terme, ou en le procheine terme, ceſt ſtay de reſpons eſt appelle Imparlance.

281 Impriſonment.

IMpriſonment, neſt auter choſe forſque le reſtraint del libertie dun home, ſoit céo en le ouert champs, ou en le cippes, ou cage en les eſtreats, ou en le proper meaſon dun home, ou bien come en le cómon gaole. Et en touts ceux lieux le partie iſſint reſtrain eſt dit deſte vn priſoner, ci longement cõe il nad lon liberty frankment de ire a touts temps & lieux lou il voit, ſans baſle, mainpriſe, ou auter authoritie.

282 Indicauit.

INdicauit, eſt vn brieſe, & giſt lou debate eſt perenter deux Clerkes en court Chriſtian dun Eſgliſe, ou part de vn Eſgliſe, pur diſmes que amount al memes a le value de la quart part del Eſgliſe, & pur ceo que le Patron del Clerke le defendaunt perdra ſon aduowſon, ſi le Clerke le plaintife la recouera, donques il auera brieſe

an other day in the ſame terme, or in the next terme following, this ſtay of anſwere is called imparlãce.

Impriſonment.

IMpriſonment, is no other thing, but the reſtraint of a mans libertie, whether it be in the open field, or in the ſtockes, or cage in ỹ ſtreetes, or in a mans owne houſe, aſwel as in ỹ common gaole. And in all theſe places the party ſo reſtrained is ſaid to bee a priſoner ſo long as he hath not his libertie freely to go at al times to al places whether he will, without baile or mainprize, or other authoritie.

Indicauit.

INdicauit, is a writ, and lieth where debate is betweene 2. Clerks in court Chriſtian of one Church, or part of a Church, for diſmes which amounteth at the leaſt to the value of the iiij. part of the church, & for that that the Patron of the Clerk of the defendant leeſe his aduowſon, if the Clerk of the pl̃t ſhal recouer it, hee ſhal haue a writ directed

directed to the Clerke of the plaintife, or to the officers of the Court Christian them commaunding to cease their plee, vntil it is discust in the kings court to whom the auowson belongeth: And the writ shalbe betweene iiij. persons, two shall be patrons & two shall bee Clerks But this writ is not returnable, but if they cease not their suit, he shall haue an Attachment.

283 Infangtheefe.

INfangtheefe, that is that theeues taken within your demesne or fee convicted of theefts, shall bee iudged in your court.

283 Information.

INformation for the K. is that, which for a common person is called a declaration, and is not alwaies done directly bythe king, or his Atturney, but rather by some other man, who sueth or informeth as well for himselfe vpon the breach of some penall lawe or Statute, wherein a penaltie is giuen to the party that will sue for the same, but no

direct al Clerke le plaintif, ou al officers del Court Christian, eux commaundant de cesser de lour plee, iesques il est discusse en Court le Roy a que iadgowson appent: Et cest briefe serra enter quater persons, deux serront patrons, & deux serront clerks. Mes cest briefe nest returnable: mes sils ne cessont lour suit il auera vn Attachment.

Infangtheefe.

INfangtheefe, hoc est que latrones capti in dominico vel in feodo vestro de latrocinijs conuicti, in curia vestra iudicent.

Information.

INformation p le Roy est ceo que pur vn common Person est appell vn declaration, & nest toutes foits fait directment per le Roy, ou son Atturney, mes per vn auter home, Qui tam pro domino Rege quam pro seipso sequitur, sur le breach de ascun penal ley ou statute, en que vn penaltie est done al partie que voit suer pur ceo, mes nul

action de det pur recouer ceo donq; il doyt este ewe per information.

285 Instant.

INstant, que est dist en Latine *instans*, & define per les Logicians, *Vnum indiuisible est tempus, quod non est tempus, nec pars temporis, ad quod tamen partes temporis copulantur*, est mult consider en ley: & coment ne poet actuelment deste deuide, vncore est en consideration & conceypt deuide & applie al seuerall purposes, sicome fueront seueral temps, de quel vide en Master *Plowdens Commentaries*, en le case enter *Fulmerston & Stuard*, lou lestatute 31. Henry 8. que enact, que si Abbe deins an deuaunt ceest Statute, lessa terre al vn, que donq; eyt mesme terre al terme, pur terme de ans donque nient expir que le lessee auer cē terre solement pur vint vn ans, est expounde. Et la est debate que quaunt termor prent le seconde lease, il surrender son action of debt to recouer it, then it must bee had by information.

Instant.

INstant, which is said in Latin Instans, a defined by the Logicians, a thing not diuidable in time, which is not any time, nor part of time, to which yet the parts of time are conioyned, is much cōsidered in the law, & though it cānot bee actually deuided, yet in considerations cōceit may be deuided & applied to seueral purposes, as if they were seueral times, wherof see in M. Plowdens Com in the case between Fulmerstō & Stuard, wher the stat. of 31. H. 8. which enacted, that if an abbot within a peere before that stat. had letten lands to one, which at the time of the making of that lease, had the same tād to ferme for a terme of peres, at the time of that making of that lease not expired, that that lessee should haue that tād only for 21. peres is expounded. And there it is debated, that when that termor taketh the 2. lease, he surrēdereth his for-

former terme which he had before, & so at the same time at the taking of the 2. lease, the former terme was expyred, & so at one instant and time hee had a former terme, and also the former terme was expyred & determined. And in the case betweene Petit & Hales, he which killeth himselfe, till he be dead did not commit felony, and when he was dead, he was not in being, so that hee might bee termed a felon, but at the instant is in the law adiudged a felon. And so there be many other cases in the law, where the instãt, that is not deuidable in nature, in the consideration of the minde & vnderstanding of the sages of the lawe, is deuided, vpon which arise many arguments of great wit & profound iudgement

former terme que il auoit deuaunt, & sic al mesme temps del prisel del second lease, il eit vn former term, & per le prisel del second lease le former terme fuit expire, & issint al vn instãt & temps, il eit vn former terme, & auxy le forme terme fuit expire & determine. Et en le case enter *Petit & Hales*, cestuy que occide luy mesme, tanque soit mort ne fesoit felonie, & quant fuit mort, ne fuit en esse, issint que poit este dit felon, mes al Instant est en ley adiudge felon Et sont mults auters cases en ley, lou le instant temps, que est indeuisible en natur, en consideration del ment & entendement del sages del ley est deuide, sur queux surde mults argumẽts de graund ingenie & profound iudgement.

286 Iointenants.

IOintenãts, where two men come to any landes & tenements by one ioint title: As if a man giue lands to two men and to their heires.

But tenants in com-

Iointenants.

IOintenãts sont lou deux homes vient a ascun terres ou tenements per vn ioint title: come si home done terre a deux homes & lour heires.

Mes Tenants en com-

mon

mon ſont lou ij. homes ont terres per ſeuerall titles, ou per feoffement al deux, a auer & tener lun moitie al vn & ſes heires, & lauter moitie al lauter & ſes heires, en touts ceux caſes nul de eux ſcauoit ſon ſeueral, come il ſerra dit apres.

Et nota ſi ſont deux ou trois ioyntenants, & vn ad iſſue & deuie, donques ceſtuy ou ceux iointenãts que ſuruesque auera lentiertie per le ſuruiuour.

Mes ſi deux iointenants ſont particion enter eux p fait p agreement, donques ils ſont ſeueral tenants.

Mes ſi vn iointenaunt graunt ceo que a luy appent a vn eſtraunger, donques lauter iointenant & le ſtranger ſont tenants en common.

Et meſque ij. tenaunts en common ſont ſeiſie per my & per tout, & nul conuſt ſon ſeueral, vncore ſi vn deuie, lauter ne auera lentiertie per ſuruiuer, mes le heire de ceſtuy que deuie auera le moitie.

mon bee where two men haue lands by ſeuerall titles, or by feoffement to ij. to haue & to hold the one halfe to one & his heires, & the other halfe to another and his heires, in all theſe caſes none of them knoweth his ſeuerall, as it ſhall be ſaid after.

And note wel, if there be two or thee Iointenants, and one hath iſſue & dieth, then hee and thoſe ioyntenaunts that ouerliue ſhal haue the whole by the ſuruiuer.

But if two iointenants make partitiõ betweenthẽ by deed by agrement, thẽ they be ſeueral tenants.

But if one iointenant grant that that belongeth to him to ſtranger, then the other iointenaunt and the ſtranger be tenants in common.

And though two tenants in common be ſeiſed throughly & of the whole, and none knoweth his ſeuerall, yet if one die the other ſhall not haue the whole by the ſurviuer, but the heire of him that dieth ſhall haue the halfe.

And so if there be three Jointenants, and one of them maketh a feoffement of his part to another, & the feoffee dieth, then his heire shall haue the third part, and the other two be iointenants as they were, because that they two bee seised by one ioint title.

Also if lands bee giuen to the Baron, and to his wife, and the husbād alieneth and dyeth, the wife shall recouer the whole: but if they were Jointenants before ꝑ couerture, then in such case shee shall recouer but the halfe.

Also if land be giuen to the husband & to his wife, and a third person, if the third person graunt that that belongeth to him, the one halfe passeth by this grant, for that that the baron & his wife be but one persō in the law, & in this case they haue nothing in right but the halfe.

Also if two Jointenāts bee of lands in a Towne which is Borough English, where land is deuisable, and one by his testament deuiseth that, that

Et issint si sont iij. Iointenants, & vn de eux fait feoffement de son part a vn auter, & le feoffee deuie, donques son heire aūz le tierce part, & les autres ij. sont Iointenants come ils fuerōt, pur ceo que eux deux sont seisies p vn ioint title.

Auxy si terre soit done al baron & sa feme, & le baron alien & deuie, le feme recouera lentiertie: Mes si ils fueront Iointenants deuaunt le couerture, donques en tiel case el recouer forsque le moitie.

Auxy si terre soit done al baron & sa feme, & al tierce person, si le tierce person graunt ceo que a luy appent, la moytie passa per cel graunt, pur ceo que le baron & sa feme sont forsque vn person en le ley, & en cest case ils nount en droyt forsque le moytie.

Auxy si deux Ioyntenaunts sont des terres en ville que est Borough English, lou terre est deuisable, & lun per son Testament deuisa ceo que

a luy

a luy appent a vn eſtrãger & deuie, ceſt deuiſe eſt void, & le auter auera l'entiertie per ſuruiuer, pur c' que le deuiſe ne poit prender effect tanque apres le mort le deuiſor, & immediate apres le mort le deuiſor, le droit deuient al auter iointenant p̃ le ſuruiuour, le quel ne claime riens per le deuiſor, mes en ſon droit demeſne per le ſuruiuor. Mes auterment eſt de Parceners ſeiſies des terres deuiſables, Cauſa qua ſupra.

287 Iointure.

IOinture, eſt vn eſtate & aſſurance fait al vn feme en conſideration de mariage pur terme de ſa vie, ou auterment, come eſt mention en leſtatute 27. H.8.cap.10 ſoit il deuaunt ou apres le mariage: Et ſi ſoit apres le mariage, donques el poit a ſa libertie apres le mort de ſon baron refuſer de prender ou quel les terres iſſint aſſure pur ſa Iointure, & demaund ſa dower al common ley: Mes ſi il ſoit fait deuaunt marriage, donques el ne poit refuſe tiel

belõgeth to him to a ſtranger s dieth, this deuiſe is void, & the other ſhal haue the whole by ſuruiuer, for that the deuiſe may not take effect til after ꝺ death of the deuiſor, and immediate after the death of the deuiſor, the right cõmeth to the other iointenant by the ſuruiuor, the which claimeth nothing by the deuiſor, but in his owne right by the ſurviuer. But otherwiſe it is of Parceners ſeiſed of lands deuiſable, Cauſa qua ſupra.

Iointure.

IOinture, is an eſtate and aſſurance made to a woman in cõſideratiõ of mariage for terme of her life, or otherwiſe, as is mentioned in the ſtatute 27. H. 8.ca.10. whether it bee before or after the marriage: And if it be after the marriage, then ſhe may at her libertie after the death of her huſband refuſe to take or haue the lands ſo aſſured for her Iointure, and demand her dower at the common law: But if it be made before marriage, thẽ ſhee may not refuſe ſuch

ioyn-

ioynture, nor haue dower according to the common law, vnlesse that when she bringeth her writ of Dower, the defēdant pledeth such a plee that will not barre her of her dower, thē shee shall be endowed: As if hee say in barre, that her husband was not seised of such estate whereof shee might be endowed, or any such plee, & doth not shew that shee hath a iointure made &c. and therefore demandeth iudgemēt of that action, or iudgement if she shall bee also endowed, or any such like plee &c. And this was the opinion of the right worshipful Mast. Brograue, at his Reading in Grayes Inne in summer Añ 1567 18. El. vpō a branch of ẏ statute made Añ 27. H. 8 ca. 10. concerning iointures, & dowers.

And by him, of those things whereof a woman may be indowed, she may haue iointure, as of mines, vesturam terræ, woodes, Townes, Iles, meadowes, and such like. Also of an aduowson, of a reuersion depending vpon

iointure, ne auer dower accordant al common ley, sinon que quant el port sa briefe de Dower, le defendant plede tiel plee que ne voile luy barrer de sa dower, donques el serra endowe: Sicome il dit en en barre, que sa baron ne fuit seisie de tiel estate de que el doit este endowe, ou ascun tiel plee, & ne monstre que el ad vn iointure fait &c. & pur ceo demande iudgement de cel action, ou iudgement si el serra auxy endow, ou ascun tiel semblable plee &c. Et ceo fuit lopiniō de le droit worshipful Mastr̄ Brograue, al son Lecture en Grayes Inne in Summer Añ 1567. 18. Elizab. sur vn branch del statute fait Añ 27. H. 8. cap. 10. concernant Ioyntures & Dowers.

Et per luy, de ceux choses de que vn feme poit este endowe, el poit auer vn iointure, come de Mines, vesturam terræ, boys, villes, Iles, meadowes, & tiels semblables. Item dun aduowson, dun reuersion dependaunt sur

vn

vn eſtate pur vie, de vn Windmill, vn hault chamber, vn Rectorie, & tiels auters, & ils ſont appelles tenements. Item dun villeine, car il eſt hereditament. Et de touts ceux profit poit vener al feme. Mes de ceux choſes de que nul profit voit vener, mes plus toſt vn charge, vn iointure ne poit eſtre fait.

an eſtate for life, of a windmill, an high chamber, a Rectorie, and ſuch other, and they are called tenements. Alſo of a villein, for he is an hereditament. And of all theſe profit may come to the woman. But of thoſe things whereof no profit will cõe, but rather a charge, a iointure cannot bee made.

L

LArceny, eſt vn torcious priſel des biens de vn auter home, mes nemy de ſon perſon, oue vn ment de eux embleer, enconter ſon volunt que biens ils fueront.

Et Larcenie eſt en deux ſorts: lun iſſint appell' ſimplement, & lauter petit Larcenie.

Le primer eſt, lou le choſe emblee exceeda le value de xij. d'. & ceo eſt Felonie.

Le auter (que eſt appelle petit Larcenie) eſt lou le choſe emblee, ne exceeda le value de xij. d', & ceo neſt Felonie.

L

THeft is a wrongful taking awap of an other mans goods, but not from his perſon, with a minde to ſteal them, againſt his will whoſe goodes they were.

And Theft is in two ſorts: the one ſo called ſimply, and the other petit or little Theft.

The firſt is, where the thing ſtolen exceedeth the value of xij. s. and that is Felonie.

The other (which is called little or petite theft) is where the thing ſtolen doeth not exceed the value of xij. s. & that is no felony.

189 Lastage.

LAstage, that is to bee quite of a certaine custome exacted in Faires or Markets for carrying of things where a man will.

190 Leases.

LEases, bee graunts or demises by one which hath any estate in any hereditamēts, of those hereditamēts to an other for a lesser time, and they be in diuers maners, that is to say, for terme of life, for terme of yeares, for terme of an others life, & at will.

Also a lease of lande is as good without deed as with deed.

But in a lease for terme of life, it behoueth to giue liuerie and seisin vpon the land, or else nothing shall passe by the grant, because that they bee called freeholds.

Also a lease of a common or rent, may not bee good without deed.

But of a Parsonage which hath glebe, it is good without deede, for y that the gleb of the church which is the principall, may passe well enough

Lastage.

LAstage, hoc est quietum esse de quadam consuetudine exacta in Nundinis & Mercatis pro rebus cariandis vbi homo vult.

Leases.

LEases, sont graunts ou demises per vn que ad ascun estate en hereditaments, de ceux hereditamēts al auter pur meinder temps, & ceo sont en diuers maners, cestascauoir, pur terme de vie, pur terme de ans, pur terme dauter vie, & a volunt.

Auxy vn lease de terre est auxy bone sans fait come per fait.

Mes en lease pur terme de vie, il couient de doner liuerie & seisin sur le terre, ou autrement riēs passera per le graunt, pur ceo que ils sont appelles franktenements.

Auxy vn leas de vn cōmon ou rent, ne poit este bone sans fait.

Mes de vn Parsonage que ad glebe, il est bone sans fait, pur ceo que le glebe de le Esglise que est le principal, poit assets bien passer

sans

ſans fait, & iſſint les diſmes & offerings que ſont come acceſſarie al Eſgliſe.

Mes diſmes & offerings per ſoy, ne poyent eſte leſſes ſans fait vt dicitur.

291 Leſſor & Leſſee.

LEſſor, eſt celuy que leſſa terres ou tenements al auter pur term de vie, ans, ou a volunt: Et celuy a que le leaſe eſt fait, eſt appelle Leſſee.

292 Leuant & Couchant.

LEuant & Couchant, eſt dit, quant les beaſtes ou cattell dun eſtranger ſont venue en le terre dun auter home, & la ont remaine vn certaine bone ſpace de temps.

293 Ley.

LEy, eſt quant action de Dette eſt port vers vn ſur aſcun ſecret agreement ou contract ew perenter les parties ſans eſpecialitie monſtre, ou auter matter de record: come en vn action de Detinue pur aſcun biens ou chattels accõmoda ou relinque oue le defendant, donques le defendant poit gager ſon ley, ſilvoile, ceſt aſcauoir, de

without deede, and ſo the diſmes & offerings which bee as acceſſarie to the Church.

But diſmes & offerings by themſelf may not be let without deed, as it is ſaid.

Leſſor & Leſſee.

LEſſor, is hee that letteth landes or tenements to an other for terme of life, yeares, or at will: And he to whom the leas is made, is called Leſſee.

Leuant & Couchant.

LEuant & Couchant, is ſaid, when the beaſtes or cattell of a ſtranger are come into an other mans ground, and there haue remained a certaine good ſpace of time.

Ley.

LEy, is when an action of dcbt is brought againſt one vpon ſome ſecret agreement or contract had betweene the parties without eſpecialty ſhewed, or other matter of record: as in an action of Detinue for ſome goods or chattels lent or left with the defendant, then the defendant may wage his law, if hee will, that is to ſay, to ſweare

ſweare vpon a booke, and certaine perſõs with him that he detayneth not the goods, or oweth nothing to the plaintif in maner & forme as he hath declared

And it is allowed only in caſes of ſecrecy, where the plaintif cannot proue the ſurmiſe of his ſuite by any decde or open acte: or the defendant might diſcharge it priuily betweene thẽ, without any writing of acquitance, or publique acte: And therefore in an action of debt vpon a leaſe for terme of yeares, or vpon arrerages of accompt before auditors aſſigned a mã ſhal not wage his law.

But whẽ one ſhal wage his law, he ſhal bring with him 6. 8. or 12. of his neighbors, as the Court ſhal aſſigne him, to ſweare with him, much like vnto the othe which they make which are vſed in the Ciuil law, to purge others of any crime laied againſt them, which are called cõpurgators.

Note that the offer to make the oath is called wager of Law, and when

iurer ſur vn Lieur, & certaine perſons oue luy que il ne detaine les biens, ou doit riens al plaintife en maner & forme cõm il ad declare.

Et ceſt allowe ſolement en caſes de ſecrecy, ou le plaintife ne poit prouer le ſurmiſe de ſon ſuit per aſcun fait, ou ouert action le defendant poyt ceo diſcharge ſecretment perenter eux ſauns aſcun eſcript de acquitãce, ou publique act. Et pur ceo en action de Debt ſur vn leaſe pur terme dans, ou ſur arrerages de accompt deuaunt Auditors aſſigne, home ne gagera ſon ley.

Mes quant vn gagera ſon ley, il ameſnera oueſq; luy 6. 8. ou 12. de ſes vicines, come le Court luy aſſignera, de iurer oueſque luy, mult ſemble al ſerem̃t que eux feſoient que ſont vſes en le Ciuil ley, de purger aucũ de aſcun crime al eux impute, que ſont appel cõpurgators.

Nota que le offer de fayre le ſerement eſt appel le gager del ley, & quaunt

il eſt accompliſh, donques eſt appel, le teians del ley.

Et auxi ſi le Vicount en aſcun action returne que il eit ſummon le defendãt de appearer en Court a aſcun iour a reſpõd le plaintife, a quel iour il fait defalt proceſſe ſerra agarde vers luy de vener & ſaue, ou excuſe ſon default: que eſt a tant a dire, come purgare moram, ou auterment de perder le choſe demaund: Et donques le defendaunt vient & voit iurer que il ne fuit ſummon, que eſt appel gager de ley, donques il doit c'faire al iour aſſigne oue xij auters: Et en feſant del ley il doyt ſur ſon ſerement affirmer directment al contrarie de ceo que eſt impute a luy, Mes les auters ne dirra, mes que eux entende que il dit le veritie.

it is accompliſhed, then is it called, the doing of your law.

And alſo if the Sheriſe in any action return that he hath ſummoned the defẽdãt to appeare in court at any day, to anſwer the plaintife, at which day he maketh default, proceſſe ſhall bee awarded againſt him to come & ſaue, or excuſe his default: which is as much to ſay, as to excuſe þ delay, or otherwiſe to loſe the thing demaunded: And then the defendant cõmeth & will ſweare that hee was not ſummoned, which is called waging of law, then he ought to do it at the day aſſigned with xij. others: And in doing of his law he ought vpon his oath to affirme directly the cõtrary of that which is imputed to him, But the others ſhall not ſay, but that they thinke that he ſaith the truth.

294 Libertate probanda.

Libertate probanda.

Libertate probanda, vide de ceo en le title de Natiuo habendo.

Libertate probanda, look for that in the title of Natiuo habendo.

295 Limitation.

Limitation, is an assignement of a space or time, within which, he that will sue for any lands or hereditaments, ought to proue that hee or his auncestor was seised of the thing demaunded, or otherwise he shall not maintaine his suit or action, which assignements be made by diuers statutes, wherof the last was an 32. H. 8. ca. 2.

296 Liuerie of seisin.

Liuerie of seisin, is a ceremony vsed in conueyance of landes or tenements where an estate in fee simple, fee tail, or a freehold shall passe: And it is a testimoniall of the willing departing by him who makes the Liuerie from the thing wherof it is made: And the retaining of the Liuerie, is a willing acceptance by the other partie, of all that wherof the other hath dismissed himselfe: And was inuented as an open & notorious thing, by meanes whereof the common people might haue knowledg of the passing or alteration

Limitation,

Limitation, est vn assignment de space ou tẽps, deins quel, cesty que voile suer pur aleuns terres ou hereditaments, doit prouer que il ou son auncestor fuit seisie del chose demaunde, ou autera ent ne maintenera son suite ou action, quel assignements sont faites per diuers statutes, darreinment per 32 H. 8. cap. 2.

Liuerie de seisin.

Liuerie de seisin, est vn ceremonie vse en conueyance de terres ou tenements lou vn estate en fee simple, fee taile, ou vn franktenement passera: Et il est vn testmoigne de le voluntarie departing per luy que fait le Liuerie del chose de que liuery est fait: Et le resceit del Liuerie est vn voluntarie acceptance per le auter partie, de tout ceo de que auter ad luy dismisse. Et fuit inuent come vn ouert & notorious chose, per meanes de que le common people poyent auer intelligence de passing ou alteration

de eſtates de home al hõe, que per ceo ils poient eſtre le meliour able pur trier & que le droit & poſſeſſion de terres & tenements fueront, ſils doient eſtre empanel & iures, ou autrement ont a faire concernant ceo.

of eſtates from man to man, that thereby they might bee the better able to trie in whõ the right & poſſeſſion of lands & tenements were, if they ſhold be impanelled in Iuries, or otherwiſe haue to doe concerning the ſame.

Le common manner de liuerie de ſeiſin, eſt en ceſt ſort fait: Si il ſoit en le ouert champe ou ne ſont edifices, ou meaſon, donques vn que poit lyer, priſt le fait en ſon maine, ſi leſtate paſſera per fait, & declare al eux que la ſont le cauſe de lour vener la enſemble, & donques ouertment lya le fait, ou declare le effect de ceo en Englois, & apres que il eſt ſeale, le partie que eſt a departer oue le terre, priſt le fait en ſes maines enſemble oueſque vn clod del terre, & vn twigge ou bough, ſi l y ad aſcun la, & tout ceo il deliuer al auter partie en le noſme de poſſeſſion ou ſeiſin, accordaunt al fourme & effect del fait, que de-

The common maner of deliuerie of ſeiſin, is after this ſort done: If it bee in the open field where is no buylding, or houſe, then one that can reade, taketh the writing in his hand, if the eſtate ſhall paſſe by deede, and declareth to the ſtanders by the cauſe of their meeting there together &c. and then openly readeth the deed, or declareth the effect thereof in Engliſh, and after that is ſealed, the partie who is to depart from ẏ ground, taketh the deed in his hands together with a clod of the earth, & a twig or bough, if any bee there, and all this hee deliuereth to the other party in the name of poſſeſſion or ſeiſin, according to the fourme & effect of the deede, which before them

them was there read or declared. But if there bee a dwelling house or building vpon the land, then this is done there at the doore of the same, none being left at that time within the house, and the party deliuereth all the aforesaid together with the ring of the doore in the name of seisin or possession, and he that receiueth the liuerie entreth in first alone, and shutteth to the doore, and presently openeth it again, and letteth them in &c. If it be of a house wherto is no land or ground, the liuerie is made, and possession taken by the deliuerie of the ring of the doore and deed only. And where it is without deede, either of landes or tenements, there the partie declareth by word of mouth before witnesse, the estate that he meaneth to depart with, and then deliuereth seisin or possession in manner as is before said: and so the land or tenemēt doth passe as well where there is no deed, as by deed, & that by force of the liuery of seisin:

uant eux fuit la lye ou declare. Mes sil soit vnhabitation ou edifie sur le terre, donques ceo est fait la a doore del ceo, nul esteant reliquish a cest temps deins le meason, & le partie deliuer tout les auauntdits ensemble ouesque le annell del doore en nosme de seisin ou possession, & il que receiua le liuerie entra primes sole, & shutta le doore, & presentment ouert ceo, & lessa eux eins &c. Sil soit de vn meason a que est nul terre, le liuerie est fait, & possession prise per le deliuerie del annel de le doore & fait solement. Et ou il est sauns fait de terres ou tenements, la le partie declare per parol deuaunt tesmoignes, le estate ouesque il entende de departer, & donques deliuer seisin ou possession en manner come ē auantdit: & issint le terre ou tenement passera cibien lou il nad fait, come per fait, & ceo per force de le liuerie de seysin:

Il fuit agree è Grayes Inne p le droit Worshipfull master *Snagge*, al son Lecture la en Summer Ani 1574. que si vn feoffour deliuer le fait en view del terre, en nosme de seisin, que il est bone, pur ceo que il ad vn possession en luy mesme. Mes autrement est dun Attorney, car il doit aler al terre, & prise possession luy mesme, deuaunt que il poit doner possession al auter, accordant al parolx de son garrant &c. Et lou liuerie de seisin est per le view, si le feoffee ne entra pas puis &c. nul chose passa, car il doit enter en fait.

It was agreed in Grays Inne by the right worshipfull Mr. Snagge, at his reading there in Summer Anno 1574 that if a feoffor deliuer the deede in view of the lande, in name of seisin, that is good, because that hee hath a possession in himselfe. But otherwise it is of an Attourney, for he must go to the land, and take possession himself, before that he can giue possession to an other, according to the words of his warrant &c. And where Liuery of seisin is by view, if the feoffee doe not enter after &c nothing passeth, for he ought to enter in deed.

297 Lotherwit.

LOtherwit, hoc est quod capiatis emendas ab ipso qui corrumpit vestram natiuam sine licentia vestra.

Lotherwit.

LOtherwit, that is, that you may take amendes of him which doth defile your bondwoman without your licence.

M

298 Maihim, ou Maime.

MAihim, est lou per le tortious act dauter, ascun member est dampnifie ou tolle, per que le partie issint dampnifie est fait

M

Maihim, or maime.

MAihim, is where by the wrongfull act of another, any member is hurt or taken away, whereby the party so hurt is made vnper-

vnperfect to fight: As if a bone bee taken out of the head: or a bone be broken in any other part of the body: or foote, or hand, or finger, or toint of a foote, or any member bee cut: or by some wound the sinewes be made to shrink, or other member, or the fingers made crooked, or if any eye be put out, or the foreteeth broken, or any other thing hurt in a mans body, by meanes whereof hee is made the lesse able to defend himself, or offend his enemy.

But the cutting off of an eare or nose, or breaking of the hinder teeth, or such like, is no maihim, because it is rather a deformitie of the body, then diminishing of strength, and that is commonly tried by beholding the partie by the Justices. And if the Justices stand in doubt whether the hurt bee a Maihim or not, they vse and will of their great discretion take the helpe and opinion of some skilfull Surgeon, to consider

imperfect a combat: Come si vn esse soyt prise hors del test: ou vn osse soyt debruse en ascun auť part del corps, ou vn pee, ou main, ou digit, ou ioint dun pee, ou ascun member soit sey: ou p̄ asc' plage: les nerues sont fait de shrinker, ou auter member, ou les digits fait curue, ou si vn oile soyt mise hors, ou les anterior dentes debruse, ou ascun auter chose en le corps dun hom̄, per reason de quel il est fait le meins able pur defender luy m̄, ou offend son enemy.

Mes le scier de vn orial, ou nase, ou len friender del dents moliers, ou tiels semblables nest asc' Mayhem, pur c' que il est pluis vn deformitie de le corps, que vn defect del strength, & ceo est communement try per le inspection del partie per les Iustices. Et si les Iustices sont en doubt si le dam̄ soyt vn Mayhim ou nemy, ils vse, & voylent de lour graunde discretion prender le ayde & opinion de ascun erudite Surgeon, pur consider

de ceo deuaunt que ils determine sur le cale.

299 Mainprise.

MAinprise, est quant vn home est arrest p Capias, dong; les Iudges poient deliū son corps a certaine homes pur garder & de luy amesner deuant eux a certeine iour, & ceux sōt appels maynpernors, & si le party ne appeare al iour assigne, les mainpernours serront amercie.

thereof before they determine vpon the cale.

Mainprise.

MAinprise, is whē a mā is arrested by Capias then the Iudge may deliuer his body to certain mē for to kēpe & to bring him before them, at a certaine day, and these bee called mainpernors, & if the party appeare not at the day assigned, the mainpernors shalbe amerced.

300 Mannour.

MAnnour, est vn chose compound de diuers choses, come de vn meason, terre errable, pasture, pree, boys, rent, aduowson, Court baron, & tiel semblables queux sont vn manor. Et ceo doyt este p antient continuance de tēps, cuius contrariū memoria hominum non existat: car a ceo iour vn mannour ne poit este fait pur c' que vn Court baron ne poit este fait a ore, & vn manner ne poyt estre sauns vn Court baron & suiters ou frankēnants, deux al meins, car si toutes les franktenements forsque vn escheare

Mannour.

MAnnour, is a thing compounded of diuers things, as of a house, land arrable, Pasture, Meadow, wood, rent, aduowson, Court baron, & such like, which make a manor: And this ought to bee by long continuance of time, to ỹ cōtrary whereof mās memorie cannot discerne: for at this day a mannour cannot bee made, because a Court baron, cannot now be made, and a mannour cannot be without a Court baron, and suiters or freeholders, two at the least, for if all the freeholds except one escheate to

to the Lord, or if hee purchase all except one, there his manor is gon, for that it cannot be a manor without a court Baron (as is afore said.) And a Court Baron cannot bee holden but before suiters, and not before one suter, & then fore where but one freehold or freeholder is, there cannot be a manour properly, although in common speech it may be called a manor.

Manumission.

MAnumission, is the making of a bondman to be a freeman, & may bee in two fortes, the one is manumission expressed, the other a manumission implied or secret.

Manumission expressed is where ꝑ Lord maketh a deed to his villein to infranchise him by this word (Manumittere) which is as much to say, as to let one go out of another mans handes or power.

The maner of Manumitting or infranchising in olde time most vsually was thus: The Lord (in presence of his neighbors) tooke the bondman

al Sñr, ou sil purchase toute preter vn, la son manor est ale, ꝑ c' que il ne poit estre vn manor sauns vn Court Baron (come auant dit.) Ee vn Court baron ne poit eſtenus mes deuant suters, & nemy deuant vn suter, & ideo lou forſq; vn franktenemt ou franktenant est, la ne poit este manor ꝓperment coment en common parlans ceo poit estre appel vn manor.

Manumission.

MAnumission, est le fesans dun que est villein destre franke, & puit estre en deux sorts, le vn est vn manumission explicita, lautr vn manumission implicita.

Manumission explicita est quant le Sñr fait vn fait al sō villein pur luy enfrāchiser per cest parol (Manumittere) quod idem est, quod extra manū, vel extra potestatem alterius ponere.

Le manner de Manumitting ou enfranchising en temps passe plus vsualment suit issint: Le Seigniour (en presence de ses vicines) prist le villeine

per

per le teſt diſant, Ieo voile que ceſt home ſoit franke, & oue ceo il luy miſe auãt hors de ſes maines, & per ceo il fuit franke ſauns aſcun pluis faire.

Manumiſſion implicita ſans cẽ paro! (Manumittere) eſt quant le Sñr fayt vn obligation a ſon villeine a payer a luy money al vn certayne iour, ou luy ſue lou il poyt enter ſans ſuite ou graunt al ſon villein vn annuity, ou leſſa terre a luy per fait pur ans, ou pur vie, & en diuers tiels ſemblables caſes, le villeine p ceo eſt fait franke.

by the head, ſaying, I will that this man be free, and therewith ſhoued him forward out of his handes, & by this he was free without moze a doo.

Manumiſſion implied without this woꝛd (Manumittere) is when the Lozd maketh an obligation to his villeine to pay him money at a certaine day, oꝛ ſueth him wherethe might enter without ſuit, oꝛ granteth vnto his villein an annuity, oꝛ leaſeth land to him by deede foꝛ yeares, oꝛ foꝛ life, & in diuers ſuch like caſes, ẏ villeine therby is made free.

MAximes ſont les foundations del ley, & les concluſions de reaſon, & ſont cauſes efficient & certaine vniuerſall propoſitions, cy ſure & perfect que ils ne poyent eſte a aſcun temps impeache ou impugne, mes doyent touts foits eſte obſerue & tenus come fort principles & auctorities de luy meſme, nient obſtant

MAximes be the foundations of the lawe, and the concluſions of reaſon, and are cauſes efficient, and certaine vniuerſall pꝛopoſitions ſo ſure and perfect, that they may not be at any time impeached, oꝛ impugned, but ought alwaies to bee obſerued & holden as ſtrong pꝛinciples and auctoꝛities of themſelues, although they

they cannot bee proued by force of argument or demonstrations logicall, but are knowen by induction by the way of sence and memorie: As for example, it is a Maxime, that if a man haue issue two sons by diuers women, and the one of them purchase lands in fee, and dyeth without issue, the other brother shal neuer be his heire &c. Also it is an other Maxime, that landes shall discend from the father to the sonne, but not from the son to the father, for that is an ascension &c. And diuers like there be, wherof see more in the Doctor and Student.

ils ne poyent este proue p force de argument ou demonstration logical, mes sont conus per induction per le voy de sence & memorie: Come pur example, il est vn Maxime, que si vn home ad issue deux fits per diuers venters, & le vn de eux purchase terres en fee, & moruſt sans issue, lauter fits ne vnques serra son-heire &c.

Itē il est vn auter Maxime, que terres discendera del pere al fits, mes nemy del fits al pere, car ceo est vn ascension &c. Et diuers tielx semblables il y ad, dont veies plus en le Doctor a Studient.

307 Maynour.

MAynour, is when a theefe hath stollen, and is followed with hue and crie & taken, hauing that found about him which he stole, that is called the maynour. And so we commonly vse to say, whē wee find one doing of an vnlawful act, that wee tooke him with the maynour, or manner.

Maynour.

MAynour, est quant vn laron ad emblee, & est pursue oue hue & crie & prise, ayant ceo troue ouesque luy que il ad emblee, ceo est appell' le maynour. Et issint nous commune-ment vse pur dire quant nous trouomus vn fesant de vn illoyal act, que nous luy prist ouesque le maynour, ou manner.

304 Maintenance.

MAintenance, eſt lou aſcun home done ou deliuer a vn auter que eſt plaintife ou defendant en aſcun action, aſcun ſumme dargent, ou auter choſe pur mainteiner ſon plee, ou fait extreame labour p̄ luy quant il nad riens a c' faire, donques lauter partie greeue auera vers luy vn briefe appelle briefe de Maintenance.

Maintenance.

MAintenance, is where any man giueth or deliuereth to an other that is plaintife or defendant in any action, any ſumme of money, or other thing for to maintain his plee, or els maketh extreame labor for him whē he hath nothing therewith to doe, then the partie greeued ſhall haue againſt him a writ called a writ of Maintenance.

305 Meſne.

MEſne, eſt lou le owner del terres ou tenemēts ceux teigne de vn per certeine ſeruices, & il ceux tenoit de vn auter per autiels ou auter ſeruices, la ceſtuy que tient les terres eſt appell' tenāt parauaile, & ceſtuy de que il teigne eſt appelle Meſne, & ceſtuy de que le Meſne tenoit eſt appelle Seignior paramount. Et en ceſt caſe ſi le Seigniour paramount diſtrain le tenant pur le ſeruice le Meſne que luy doit acquite al Seigniour paramount, donques le tenant aueſ vn briefe vers le Meſne, que eſt appell' brief de

Meſne.

MEſne, is where the owner of landes or tenements holdeth of one by certaine ſernices, and he holdeth them of an other by like or other ſernices, then he which holdeth the lands is called tenāt parauaile, and he of whom it is held, is called Meſne, & hee of whom the Meſne holdeth, is called chiefe Lord. And in this caſe if the lord aboue diſtraineth the tenāt for the ſernice of the meſne, which ought to acquit him to the lord aboue, then the tenant ſhal haue a writ againſt the Meſne, which is called a writ of

Meſne

Meſne, & if he come not to acquit the tenant, then the Meſne ſhal loſe the ſeruice of the tenãt, & ſhal be lozeindged of his ſeigntozie, & the tenant ſhall be tenant immediate to the chiefe Lozd, and ſhal do the ſame ſeruice and ſuites as the Meſne did to the Lozd.

Meſne, & ſi il ne vient pur acquiter le tenant, dõques le Meſne perdra le ſeruice le tenant, & ſerra foriudge de ſon ſeigniorie, & le tenant ſerra tenaunt immediat al chiefe Seignior, & ferra meſmes les ſeruices & ſuites come le Meſne fiſt al Seigniour.

306 Miſpriſion.

Miſpriſion, is when one knoweth that an other hath committed Treaſon oz Felonie, & will not diſcouer him to the King, oz to the Councell, oz to any magiſtrate, but doth conceal the ſame. Diuers other offẽces be called miſpriſion: as when a Chaplein had ſixed an old ſeal of a Patent, to a new patent of Nonreſidence, and this was holden to bee Miſpriſion of Treaſon onely, & no counterfaiting of the Kings ſeale.

Alſo if a man know money to be counterfait, and bring the ſame out of Ireland hyther into England, and vtter it in payment, this is but Miſpri-

Miſpriſion.

Miſpriſion, eſt quant aſcun ſciet que vn auter ad fait Treaſon ou Felony, & il ne voile luy diſcouer al Roy, ou ſon Councell, ou a aſcun Magiſtrate, eins conceala ſon offence. Diuers auters offences ſont appelle miſpriſion: ſicome vn Chapleine ad fixe vn ancient ſeale dun Patent, a vn nouel patent de Nonreſidence, & ceo fuit tenus deſte Miſpriſion de Treaſon tantum, & nul counterfeiter del ſeale del Roy.

Item, ſi vn auter ſciet money deſtre faux, & port ceo hors de Ireland en Engleterre, & vtter ceo en payment, ceo eſt forſque Miſpri-

ſion

ſion de Treaſon, & nemy Treaſon, & iſſint eſt en diuers tiels ſemblable eaſes.

Et en touts eaſes de Miſpriſion de Treaſon, le partie offendour forfeitera ſes biens a touts iours, & les profites de ſes terres pur terme de ſon vie, & ſon corps al priſon, al pleaſure del Roy.

Et pur Miſpriſion de felonie ou treſpaſſe, le offendour ſerra commit al priſon, tanq; il ad troue ſuerties ou pledges pur ſon fine, que ſerra aſſeſſe per le diſcretion de les Iuſtices deuant que il fuit conuict.

Et nota, que en chaſcun Treaſon ou Felonie, eſt include miſpriſion, & lou alcun ad fait Treaſon ou Felonie, le Roy poit cauſer luy deſte endicte & arraigne forſque de miſpriſion ſolement ſi il voile. Vide plus de ceo Stamf. lib. 1.

ſion of Treaſon, and no Treaſon, and ſo it is in diuers ſuch like caſes.

And in all caſes of Miſpriſion of Treaſon, the party offender ſhal forfait his goods for euer, & the profits of his landes for term of his life, & his body to priſon at the Kings pleaſure.

And for Miſpriſion of felonie or treſpas, the offendor ſhal bee committed to priſon, vntill hee haue found ſuerties or pledges for his fine, which ſhall be aſſeſſed by the diſcretiõ of the Iuſtices before whõ he was conuict.

And note, that in euery Treaſon or felonie, is included miſpriſiõ, & where any hath committed treaſon or felonie, the King may cauſe the ſame to bee indicted & arraigned but of Miſpriſion onely if hee will. See more hereof Stamford lib. 1.

207 Monſtrance de faits ou Recordes.

MOnſtrance de faits, ou Recordes, eſt, ſicõe pur example, vn action de Det

Shewing of deedes or Recordes.

SHewing of deeds, or Recordes, is, as if for example, an action of debt be

bee brought against one vpon an obligatiō by one, or by executors &c. there after that the plaintif hath declared, he ought to shew his obligatiō, & the executor the testament to the court, & so it is of records.

And the diuersitie betweene shewing of deeds or records, & hearing of deeds or records, is thus, he that pleads the deed or record, or declares vpō it, to him it doth appertaine to shew the same And the other against whom such deed or record is pleaded, or declared, & to therby to be charged may, demaund hearing of the same deed, or record, which his aduersary bringeth, or pleadeth against him.

308 Mordaunceſter.

MOrdaunceſter, Looke for that before in the title Coſinage.

309 Monſtrauerunt.

MOnſtrauerūt, is a writ and it lyeth for the tenants in antient demeſn, and is directed vnto the Lord, him commaunding that he diſtrain not his tenāt for to do other ſeruice

ſoit port enuers vn ſur vn obligation p vn ou per executors &c. la apres que le plaintife ad declare, il doit monſtre ſon obligation, & le executor le teſtament al Court, & iſſint eſt de Records.

Et le diuerſitie perenter monſtrance de faits ou records, & oier de faits ou records, eſt iſſint, il q̄ plede le fait ou record, ou declar ſur ceo, a luy il appertayne de monſtre ceo Et lauter vers que tiel fait ou record eſt plede ou declare, & eſt p ceo deſte charge, poyt demaund oyer de ceo fait ou record, que ſon aduerſary port, ou pleade vers luy.

Mortdaunceſter.

MOrtdaunceſter, vide de ceo deuaunt en le title Coſinage.

Monſtrauerunt.

MOnſtrauerunt, eſt vn brieſe, & giſt pur le tenant en auntient demeſn, & eſt direct al Seignior, luy commaundant que il ne diſtraine ſon tenāt pur faire auter ſeruice

que

que faire ne duiſſoit, & ils poyent auer ceſt bꝛe direct al vicount, q̃ il ne ſuffer le Sr̃ a diſtrainer les dits tenants pur faire auter ſeruice.

Auxy ſi les tenaunts ne poient eſte en quiet, ils poyent aũ vn Attachment vers le Seignior dappearer deuãt les Iuſtices, & touts les noſmes des tenants ſerront miſe en le bꝛe, comẽt que forſq; vn de eux ſeit greũ ſolem̃t.

Auxy ſi aſcun terre en antient demeſne ſoit en variance enter les tenants, donques le tenaunt iſſint greeue auera vers auter briefe quod vocatur Droit cloſe ſecundum conſuetudinem manerij, & ceo ſerra touts foits port en le court le Sr̃, & ſur ceo il countera en le nature de quel brief il voit, come ſon caſe giſt & ceſt bꝛe ne ſerra remoue ſinon pur graund cauſe ou non power de le Court.

Auxy ſi le Seigniour en auter lieu hors de aunti-ent demeſne diſtraine ſon tenãt de faire auter ſeruice

that he ought not to doe, & they may haue this Writ directed to the ſheriſe, that hee ſuffer not the Lord to diſtraine the ſaid tenants for to do other ſeruice.

Alſo if the tenants cannot be in quiet, they may haue an Attachment againſt the Lord to appear before the Iuſtices, and al the names of ꝑ tenants ſhalbe put in that Writ, though but one of them be grieued onely.

Alſo if any lands in antient demeſne bee in variance betweẽ the tenants, then the tenant ſo greeued ſhal haue againſt ꝑ other a Writ which is called of Right cloſe after ꝑ cuſtõ of the manor, & that ſhall bee alway brought in the Lords court, and therapon he ſhall declare in ꝑ nature of what writ he will, as his caſe lieth, and this Writ ſhal not be remoued, but for a great cauſe, or no power of the Court.

Alſo if the Lord in an other place out of auntient demeſne diſtraine his tenant to do other ſeruice

then

then he ought, he shall haue a writ of right, called Ne iniuste vexes, and it is a writ of right patēt which shall bee tried by battell or graund assise.

que il ne doit, il auera brief de droit, appelle Ne iniuste vexes, & cest vn brief de droyt patent que serra trie per battel ou graund assise.

310 Mortgage, or Morgage.

MOrtgage, or Morgage is when a mā maketh a feoffement to an other on such condition, that if the feoffor pay to the feoffee at a certaine day xl. li. of money, that then the feoffor may reenter &c. in this case the feoffee is called tenaunt in Mortgage. And as a man may make a feoffemēt in fee in morgage, so hee may make a gift in taile, or a lease for terme of life, or for terme of yeeres in Mortgage. And it seemeth that the cause why it is called Mortgage, is for that it standeth in doubt, whether the feoffor will pay the money at the day appointed or not, and if hee faile to pay, then the land which he laid in gage vpō condition of payment of ſō money, is gone from him

Mortgage ou Morgage.

MOrtgage, ou Morgage est quaunt vn fait vn feoffement a vn auter sur tiel condition, que si le feoffour paya al feoffee a certain iour xl. li. dargent, que a donques le feoffour poyt reenter &c. en ceo case le feoffee est appel tenant en Morgage. Et si come vn home poit faire feoffement en fee en morgage, isſint il poyt faire done en taile, ou lease pur terme de vie, ou pur terme dans en Morgage. Et il semble que la cause pur que il est appel Mortgage, est pur ceo que il estoit en awerouſt, si le feoffour voyle payer al iour limitte le argent ou non, & si il ne paya pas, donques le terre que il mist en gage sur condition de payment de le money, est ale de luy

à touts iours, & issint mort a luy sur condition: mes si il paya le money, donques est le gage mort quant a le tenaunt, cestascauoir, le feoffee, & pur cest cause il est appel en latin, Mortuum vadium, come Maister Littleton dit, ou Mortuum vas, come ieo pense.

Auxy si feoffement soyt fait en Morgage sur condition, que si le feoffour paya tiel summe a tiel iour &c. & le feoffor moruſt deuaunt le iour, vncore si lheire le feoffor paia mesme le summe a mesme le iour al feoffee, & le feoffee ceo refusa, donques le heire le feoffour poit enter: Mes en tiel case, si ne soit ascun iour de paiment expresse, donques tiel tender del heire est voide, pur ceo que quant le feoffor moruſt, le temps del tender est passe, ou autrement les heires le feoffor aueront temps del tender a touts iours, que serra inconuenient, que vn auera vn fee simple a luy & a ses heires que serra defesible touts foits a le pleasure & volunt de autres, for euer, & so dead to him vpon condition: but if hee pay the money, then is the gage dead as to the tenãt, that is to say, the feoffee, and for this cause it is called in latin, Mortuum vadium, as M. Littleton saith, or rather Mortuum vas, as I thinke.

Also if a feoffement bee made in Morgage vpon condition, that if the feffor pay such a summe at such a day &c. and the feoffor die before the day, yet if the heire of the feoffor pay the same sum at the same day to the feoffee, and the feoffee refuseth it, thē the heire of the feoffor may enter: But in such a case, if there be no day of paimēt expressed, then such tender of the heire is voide, for that that when the feoffor dieth, the time of tender is past, or otherwise the heires of the feoffor shall haue time of the tēder for euer, which shall be inconuenient, that one shall haue a fee simple to him and to his heires which shall bee defesible alwaies at the pleasure & will of others, but

but in ẏ firſt caſe the time of tender was not expired by the death of the feoffor.

mes en le primer caſe le temps del tender ne fuit expreſſe p la mort le feoffor.

311 Moderata miſericordia.

MOderata miſericordia, is a writ, and it lyeth where a man is amerced in court Baron, or Cõtty, more then hee ought to be, then hee ſhall haue this writ directed to the Shirife if it be in the County, or to the Bailife if it be in the Court Baron, cõmãding them that they amerce him not, but hauing regard to the quantitie of the treſpaſſe, and if they do not vpon this writ, then ſhal go forth againſt them a Sicut alias, and Cauſam nobis ſignifices, and after that an Attachment.

Morderata miſericordia.

MOderata miſericordia, eſt vn briefe, & giſt lou home eſt amercie en court Baron, ou County, plus que deuer eſte, donques il auera ceſt briefe directal Vicont ſi ſoit en le Countie, ou al Bailiſe ſi ſoit en Court Baron, eux commandaunt que ils ne luy amercionṫ, mes eyent regard al quantitie del treſpas', & ſils ne font ſur cel briefe, donques iſſera vers eux vn Sicut alias, & Cauſam nobis ſignifices, & apres ceo vn Attachment.

312 Mortmaine.

MOrtmaine, is where Lands are giuen to a houſe of Religion, or to an other company which bee corporat by the K. grant, then the land is come into Mortmaine, that is to ſay in Engliſh, a dead hand, & thẽ the King, or the Lord of whom the land is hol-

Mortmaine.

MOrtmain, eſt lou terres ſont dones a vn meaſon de Religiõ, ou a vn auter company que ſont corporate per le grant le Roy, donque ceſt terr̃ eſt deuenus en Mortmaine, ceſt adire en Angloys *a dead hand*, & donque le Roy ou le Sũr de q̃ le terre eſt te-

nus poit enter, come appiert en leſtatute de Religioſis, ideo vide leſtatute. Auxy ſi vn fait feoffement ſur confidence a certeine perſons al oeps de vn meaſon de Religion, ou al oeps de aſcun gild ou fraternitie corporat, donques il ſerra dit Mortmaine, & il encourge meſm̃ le paine, vt patet per leſtatute Añ 15.R,2.

den may enter, as it appeareth by the ſtatute de Religioſis, therefore ſee the ſtatute. Alſo if one make a feoffement vpon truſt to certaine perſons to the vſe of a houſe of Religion, or to the vſe of any guild, or fraternitie corporat, then it ſhalbe ſayd Mortmain, & then he ſhall run in the ſame pain, as it appeereth by the ſtat. Añ 15.R.2.

213 Mulier.

MVlier. eſt vn paroll vſe en noſtre ley, mes com̃ aptment, ieo ne poy dire ne ſcay bien: Car accordant al ꝓper ſignification, Mulier eſt fæmina corrupta, ſicome il eſt vſe per *Vlpianus*, en vn certeine lieu en tiel maner, Quod ſi ego me virginem emere putarem cum eſſet mulier, emptio non valebit. Per eco poies veier, que Mulier eſt vn feme q̃ ad ew le company dun home: Mes a relinquiſher le droit ſignification, Mulier eſt priſe en noſtre ley, pur vn que eſt loyalment engender & nee, & eſt tours dits vſeen compariſon ouesq; vn ba-

Mulier.

MVlier, is a word vſed in our law, but how aptly I cannot well learne: for according to the ꝓper ſignification, Mulier is a defiled woman, like as it is vſed by Vlpianus in a certaine place after this ſort, If I thought that I had bought a virgin, whē ſhe was a defiled woman, the bargaine was not good. Hereby you may ſee, that Mulier is a woman that hath had the company of a man. But to leaue ẽ right ſignification, Mulier is taken in our Law for one that is lawfully begotten & borne: and is alwayes vſed in compariſō with a baſtard

ſtard, onely to ſhew a difference between them, as thus for example. A man hath a ſonne of a woman before marriage, that is called a baſtard, and vnlawfull. And after hee marieth the mother of the baſtard, and they haue another ſonne, this ſecond ſon is called Mulier, that is to ſay lawfull, and ſhall be heire to his father: but the other cannot be heyre to any man, becauſe it is not knowen nor certain in the iudgement of the law who was his father, and for that cauſe is ſaid to be no mans ſonne, or the ſon of the people, and ſo without father, according to theſe old verſes.

To whom the people ther is, to him is father none at all:

To whom the people father is, well fatherleſſe we may him call.

And alwayes you ſhall find this addition to them (Baſtard eldeſt, & Mulier pongeſt) when they be compared together.

ſtard, ſolement pur monſtre vn difference perenter eux, come pur example. Vn home ad vn fits per vn feme deuant mariage, ceſt iſſue eſt appel vn Baſtard, & illoyal. Et apres il marry oue le mier del baſtard, & ont vn auter fits, ceſt ſecond fits eſt appel Mulier, ceſt adire loyall, & ſerra heire al ſon pere: mes le auter ne poit eſte heire al aſcun home, pur ceo que il neſt conus ne certaine ẽ le iudgement del ley que fuit ſon pere, & pur ceſt cauſe eſt dit, deſte nullius filius, ou filius populi, & iſſint ſans pere, accordant a l ceſtuy viele verſes.

Cui pater eſt populus, pater eſt ſibi nullus & omnis:

Cui pater eſt populus, non habet ipſe patrem.

Et touts foits vous troueres eeſt addition al eux (Baſtard eigne, & Mulier puiſne) quant ils ſont compare enſemble.

314 Murder.

MVrder, eſt vn voluntarie occider dun home ſur malice prepense, & semble de vener de le Saxon parol Mordren, que ilſſint ſignifie. Et Mordridus eſt le Murderer tanque al eſt iour entre eux en Saxony, de que nous ſuomus mults de noſtre parolx, come ad eſtre ſouent dit. Ou poit eſtre deriue de Mort & dire, quaſi mors dira. Vide Stamf. Plees del Corone lib. 1.

Murder.

MVrder, is a wilfull killing of a man vpō malice forethought, and ſeemeth to come of þ Saxon word Mordren, which ſo ſignifieth. And Mordridus is the Murderer euen vntill this day among them in Saxony, from whence wee haue moſt of our wordes, as hath bin often ſaid. Or it may be deriued of Mort and dire, as Mors dira. See Stamf. Plees of the Crowne lib. 1.

N

315 Nativo habendo.

NAtiuo habendo, eſt vn briefe, & giſt lou le villeine ou nieſe dun Seignior eſt ale de luy, donques le Seignior auera ceſt briefe directe al Vicont, que il face le Seignior auer ſon villeine ou nieſe oueſq; touts ſes chateux.

Auxy en ceſt briefe pluſors villeines ou nieſes ne purrōt eſte demandes que deux, mes auxy tants des villeins ou nieſes q̄ voilēt, ioyntemēt poient porter briefe de Libertate probanda.

N

Natiuo habendo,

NAtiuo habendo, is a writ, and it lieth wher the villeine or nieſe of the Lord is gone from him, then the Lord ſhall haue this writ directed to the Shirife, that he make the Lord to haue his villeine or nief with al his goods.

Alſo in this writ more villeines or nieſes may not bee demaunded then twaine, but as many villeines or nieſes as will, iointly may bring a writ de Libertate probanda.

Alſo

Also if a villeine or nieſe bring his writ De libertate probanda, before that the Lord bring his writ, then the villeine plaintife ſhall be in peace til the cõming of the Iuſtices, or els his writ ſhall not helpe him.

Also if a villeine haue tarried in an auncient demeſne one yere and a day without claim of the lord, then he cannot ſeiſe him in the ſaid franchiſe.

316 Ne admittas.

NE admittas, is a writ directed to the Biſhop at the ſuit of one which is patron of any Church, & hee doubted that the Biſhop will collate one his Clerke, or admit an other Clerke preſented by another man to the ſame benefice: then hee that doubteth it ſhal haue this writ to forbid the Sherife to collate or admitte any to that Church.

317 Non omittas propter libertatem.

NOn omittas propter libertatem, is a writ, & it lyeth where the Shirif returneth vpon a writ to him directed, that hee hath

Auxy ſi vn nief port briefe De libertate probanda auant que le Sñior port ceſt briefe, donques le villeine pl' ou nieſe ſerra en peace ieſque al venue des Iuſtices ou autrement ſon bñe ne luy aidera.

Auxy ſi vn villeine ad demurre en auncient demeſne per vn an & vn iour ſans claime del Seigniour, donques il ne poyt luy ſeiſer deins le dit franchiſe.

Ne admittas.

NE admittas, eſt vn brief direct al Eueſque al ſuit de vn que eſt patron de aſcun Eſgliſe, & il doubta q̃ Leueſque voit collate vn ſon Clerke, ou admit vn auter Clerke preſent per auſ home al dit benefice: donques il que ceo doubta auera ceſt briefe de inhibiter le Vicount de collater ou admitter aſcũ a ſon Eſgliſe.

Non omittas propter libertatem.

NOn omittas propter libertatem, eſt vn briefe, & giſt lou le Vicount retourne ſur briefe a luy direct, que il ad

maund al Bailise de tiel franchise que auer returne des brieues, & il nad seruie le brieue, donques le plaintife quera cest brieue direct al Vicont, que il luy meisme enter en le fraunchise & execute le brieue le Roy.

Auxy le Vicont garnera le Bailise que il soyt denaunt les Iustices al iour contenus en le brieue, & sil ne vient & luy acquite, donques toutes les brieues iudicialles que passeront hors del Court le Roy durant meisme le plee, serront brieues De non omittas &c. le Vicount serra execution de eux pendant cel plee.

sent to the Bailise of such a franchise which hath returne of writs, & hee hath not serued the writ, then the plaintif shal haue this writ directed to the Shirife, that he himselfe enter into the franchise and execute the kings writ.

Also the Sherife shall warne the bailife that hee be before the Iustices at ꝑ day contained in ꝑ writ, & if hee come not, & execute himselfe, the all the writs iudicials which shal passe out of the Kings Court during the same plee, shall be writs De non omittas &c. & the Shirife shall make execution of them hanging that plee.

318 Negatiua pregnans.

Negatiua pregnans.

NEgatiua pregnans, est quaunt vn action ou information, ou tiel semblable sute est port enuers vn, & le defendaunt plede en barre del action, ou autrement vn negatiue plee, que nest cy speciall aunswere al action, mes que il enclude auxy vn affirmatiue : Come pur

NEgatiua pregnans, is when an action or information, or such like is brought against one, & the defendant pleadeth in barre of the action, or otherwise a negatiue plee, which is not so speciall an answere to the action, but that it includeth also an affirmatiue : As for ex-

example: If in a writ of Entre en casu prouiso, brought by him in the reuerſion vpon alienation by the tenant for life, ſuppoſing that hee hath alienedin fee (which is a forfaiture of his eſtate) & the tenant to the writ ſaith that he hath not alienedin fee, this is a negatiue, wherein is included an affirmatiue: for although it bee true, that he hath not alienedin fee, yet it may bee that hee hath made an eſtate in taile (which is alſo a forfeiture) and then the entrie of him in the reuerſion is lawfull &c.

Alſo in a Quare impedit, the King makes title to preſent to a Prebend, for that the temporalities of the Biſhoprieke were in his hands by the death of W. late Biſhop &c. The defendant ſaith that it was not voide being the temporalties in the Kings hands by the death of W. this is a Negatiue pregnans, for it may bee in the Kings hands otherwiſe then by the death of W. and it ſufficeth

example: Si en briefe de Entre in caſu prouiſo, port per ceſtuy en le reuerſion ſur alienation per le tenãt pur vie, ſuppoſant que il ad alien en fee (que eſt vn forfaiture de ſon eſtate,) & le tenant al briefe dit, que il nad alien en fee, ceſt vn negatiue, en que eſt enclude vn affirmatiue: car nient obſtant il ſoit veray que il nad alien en fee, vncore il poit eſtre que il ad fait vn eſtate en taile (le quel eſt auxy vn forfaiture) & donques le entrie de celuy en le reuerſion eſt loyal &c.

Item en vn Quare impedit, le Roy fiſt title de preſenter a vn Prebend, ratione que les temporalties de leueſcherie ſueront en ſa maines per le mort de W. nuper Epiſcoꝑ &c. Le defendant dit que ne voida pas eſteants les temporalties en les maines del Roy per le mort de W. ceſt vn Negatiue preignans, car il poit eſtre en les maines del Roy auterment que per le mort de W. & il ſuffiſt

al

al Roy si soit en sa maines &c.

Issint est lou vn Information suit port in Scaccario vers I.S. pur ceo que il achate laines perenter shering temps & Assumption tali anno de I.N. Le defendant dit quod non emit de I. N. come il est alleage &c. ceo est appelle vn Negatiue preignans, car sil ceo achate de auter, vncore il est culpable pur le achater.

319 Ne iniuste vexes.

NE iniuste vexes, Vide de ceo deuaunt titulo Monstrauerunt.

320 Niese.

NIese, est vn feme que est bonde, ou vn villeine feme, mes si el marie vn franke home, el est per ceo fait franke, pur ceo que el & sa baron sont forsque vn person en ley, & el couient estre de mesme le nature & condition en ley a toutes entents come sa baron. Mes sa baron est franke a touts entents sauns ascun condition en ley, ou auterment: & issint per consequens, le feme couient

the king if it bee in his handes by any meanes &c.

So it is whereas Information was brought in the Eschequer against I. S. for hee bought wool betweene shering time & the assumption such a yere of I. N. The defendant saith that he did not buy any of I. N. as it is alleaged &c. this is called a negatiue preignans, for if he bought it of any other, yet he is culpable for buying.

Ne iniuste vexes.

NE iniuste vexes, Looke therefore before in the title Monstrauerunt.

Niese.

NIese, is a woman that is bond, or a villeine woman, but if shee marrie a free man, shee is thereby made free, because that she and her husband are but one person in lawe, and shee ought to bee of the same nature and condition in lawe to all intentes that her husband is. But her husband is free to all intents without any condition in law, or otherwise: and so by consequents the wife ought

to

ybe, and is free according to the nature of her free husband, & the if she were once free & cleerly discharged of bondage to all intents, shee cannot be made vnfree without especiall act done by her, as diuorce, or confession in court of record, and that is in fauour of liberte, and therefore a free woman shal not be bound by taking of a villeine to her husband: But their issue shall be villeins as their father was, which is contrary to the Ciuil law, for there it is said, The birth followeth the belly.

Bondage or Villenage had beginning among the Hebrewes, & his original proceeding of Chanaan the son of Cham, who because that hee had mocked his father Noe to scorne, lying dishonestly when hee was drunk, was punished in his sonne Chanaan with penalty of bondage.

321 Nihil dicit.

NIhil dicit, is when an action is brought against a man, & the defendant appeares, the plaintife declares, & the defen-

estre, & est frank accordant al nature de son franke bason, & donques si el soit vn foits franke & clerement discharge de villenage a touts entents, el ne poit estre niese apres sans especial act fait per luy, come diuorce, ou confusans en court de record, & ceo est en fauor de libertie, & pur ceo vn frank feme ne serra villeine per prisel del villeine a sa baron: Mes lour issue serra villeines come lour pere fuit, que est contrarie a le ley Ciuil, car la est dit, Partus sequitur ventrem.

Bondage ou villenage ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fits de Cham, que pur ceo que il auoit derise son pere Noe gisant dissolutement quant il fuit ebrie, fuit punie en son fits Chanaan ouesque penalty de bondage.

Nihil dicit,

NIhil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintise declare, & le defendant

dant ne voile responder, ou plede al action, & ne maintaine son plee, mes fait default, ore sur ceste default, il serra condemne, quia nihil dicit.

dant will not answere, or pleades to the action, and doth not maintaine his plee, but makes default now vpon this default, he shal be cõdemned, because he saith nothing.

322 Nisi prius.

NIsi prius, est vn briefe iudicial, & gist quaunt lenquest est empanell' & retourne deuant les Iustices en banke, donques le plaintife ou defendãt poit auer ceste briefe direct al Vicont, luy commaundant que il face vener la Enquest deuaunt les Iustices en mesm̃ le countie a lour vener la dest̃ determine, & ceo pur easement del Enquest.

Nisi prius.

NIsi prius, is a writ iudicial, and lyeth when an Enquest is impanelled & retourned before the Iustices in the Bench, then the plaintife or defendãt may haue this writ directed to the Shirife, him cõmanding that hee cause the enquest to come before ẏ Iustices in ẏ same cõtie, at their comming to be determined, & that for the easing of the Enquest.

323 Nomination.

NOmination, est lou vn poit en droit de son Manour, ou auterment, nominate & appoint vn able Clerke ou home al vn Parsonage, Vicarage, ou tiel spirituall promotion. Et nota que ceste nomination doit estre al auter que lordinary, que auer luy presentera al Ordinary.

Nomination.

NOmination, is where one may in right of his Manour, or otherwise, nominate and appoint a worthy Clerke or man to a Parsonage, Vicarage, or such like spirituall promotiõ. And note that this nomination ought to be to another then the ordinary, which other shall present him to the Ordinary.

324 Noua-

324 Nonabilitie.

NOnabilitie, is where an action is brought against one, & the defendant saith that the plaintife is not able to sue an action, & demaundeth iudgement if he shalbe answered. There are six causes of Nonabilitie in the plaintif, as if he be an outlaw, or an alien borne (but that disabilitie is in actions reals & mixt only, and not in actions personals, except he be an alien enemy) or condemned in Premunire, or professed into an Abbey, Priorie, or Frierie, or excommunicat, or a villeine, and sueth his Lord: but this last is no plee for an other that is not Lord to the villeine. See more hereof in Littl. lib. 2. cap. 11.

Nonabilitie.

NOnabilitie, est lou vn action est port vers vn, & le defendant dit que le plaintife est non able de suer ascun action, & demande iudgement sil serra respond. Il y ad vj causes de Nonability en le plaintife, come sil soit vtlage, ou vn alien nee (mes cest disabilitie est en actions reals & mixt solement, & non en actions personals, sinon que il soit vn alien enemy) ou condemne en Præmunire, ou profesle en vn Abbey, Priorie, ou Frierie, ou excommenge, ou vn villeine, & sue son Seignior: mes cest darreine nest plee pur auter que nest Seigniour al villeine. Vide plus de ceo Littlet. lib. 2. cap. 11.

325 Bare or naked Contract.

BAre Contract, or naked promise, is where a man bargaineth or selleth his lands, or goods, or promiseth to give to one money, or a horse, or to build a house, or do such a thing at such a day, and there is

Nude Contract.

NVde Contract, ou nude promise, est lou vn home bargaine ou vende ses terres, ou biens, ou promise pur doner al auter money, ou vn chiual, ou a edifier vn meason, ou faire tiel chose a tiel iour, & la est nul

nul recompence appoint a luy pur le faire de ceo: Come si vn dit al auter, ieo vend ou done a vous touts mes terres ou byens, & la est nul chose appoint, assigne, ou agree que lauter donera, ou payera pur ceo, issint que il nad quid pro quo, cest vn nude contract, & voide en ley, & per non performance de ceo nul action gist, car, Ex nudo pacto non oritur actio.

no recompence appointed to him for the doing thereof: As if one say to another, I sell or giue to you all my lands or goods, and there is nothing appointed, assigned, or agreed vpon what the other shall giue or pay for it, so that there is not one thing for another, this is a naked contract, and void in law, and for not performance thereof no action lyeth, for of a naked contract commeth no action.

326 Nusauns.

NVsauns, est lou ascun home leuie ascũ mure, ou estoppe ascun ewe, ou fait ascun chose sur son terre demesne a noyance son procheine, cestuy que est greeue auera ent vn briefe appel Assise de Nusauns. Auxy si il que fist le nusauns alien la terre a vn auter, donques cest briefe serra port enuers ambideux, come appiert per le statute Westm 2. ca. 24.

Nusauns.

NVsauns, is where any man leuieth any wall, or stoppeth any water, or doth any thing vpon his owne ground to the vnlawfull hurt & annoyance of his neighbor, he that is greeued may haue thereof an Assise of Nusans. And if he that make the nusans alien the land to an other, then this writ shall be brought against thẽ both, as it appeareth by the Statute Westm 2. cap. 24.

327 Nuper obijt.

NVper obijt, est vn brief, & gist lou vn ad plusours heires, cestascauoir,

Nuper obijt.

NVper obijt, is a writ, & it lyeth where one hath many heires, ẽ is to say,

many

many daughters, or many kinnes, if it bee in Gauelkind in Kent, and dyeth seised, & one heire entereth into all the land, then the other that he holdeth out, shal haue this writ against the coheire that is in. But a writ of Rationabili parte dyeth in such case where the auncestour was once seised, and dyed not seised of the possession, but in reuersion.

plusors files, ou plusors files, si soit en Gauelkinde en Kent, & deuie seisie, & vn heire entra en tout la terre, donques les auters que sont tenus de hors, aueront ceſt briefe vers le coheire que eſt deins. Mes briefe de Rationabili parte gist en tiel case ou launcestour fuit vn foits seisie, & ne morust seisie de possession, mes del reuersion.

O

328 Oredelse.

ORedelse, is where one claimes to haue the Ore that is found in his soyle or ground.

O

Oredelse.

ORedelse, eſt lou vn claime de auer le Ore que eſt troue en ſon ſoyle ou terre.

329 Outfangthiefe.

OVtfangthiefe, that is, that theeues or felons of your land, or fee, out of your land, or fee, taken with Felonie or stealing, shall bee brought backe to your court, there indged.

Outfangthiefe.

OVtfangthiefe, hoc eſt quod latrones de terra veſtra, vel feodo veſtro, extra terrã veſtrã, vel feodum veſtrũ capti cũ latrocinio, ad curiã veſtrã reuertantur, & ibidẽ iudicẽtur.

330 Oweltie.

OWeltie, is when there is Lord, Meſne, and tenant, and the tenant holdeth of the Meſne by the ſame ſeruice that the Meſne holdeth ouer of ẽ

Oweltie.

OWeltie, eſt quaunt il y ad Seignior, Meſne, & tenaunt, & le tenaunt tient del Meſne per meſme les ſeruices que le Meſne tient ouſter de le Seig-

Seignior paramoūt: come ſile tenant tient del Meſne per homage, fealtie, & xx.s. de rent annuelment, & le Meſne tient ouſter de le Seigniorparamount per homage, fealtie, & xx. s. rent auxy, ceſt eſt appelle Oweltie de ſeruices.

331 Oier de Recordes & Faits &c.

OIer de records & faits, eſt, ſicome pur example: vn action de det ſoit port enuers vn home ſur vn obligation, & le defendant appeare al action, & donques prie que il poit oier le obligation oueſque que le plaintifecharge luy

Iſſint eſt quaunt executors port vn action de det, & le defendant demaunde oier del Teſtament, ſur ceſt demaunde il ferra lye al defendant: Mes ſi ſoit en vn auter terme, ou apres que le defendant ad imparle, donques il naura le oier Et iſſint come eſt dit de Faits, eſt deſte entende de Records que ſont alleage enuers luy. Veies le title Monſtrance de faits.

Lord aboue him. As if the tenant hold of the Meine by homage, fealtie, and xx.s. of rent peerely, & the Meine holdeth ouer of the Lord aboue by homage, fealtie, & xx. ſhillings rent alſo, this is called Oweltie of ſeruices.

Hearing of Recordes and deeds &c.

HEaring of Records and deedes, is as for example: an action of det bee brought againſt a man vpon an obligation, & the defendant appeares to the action, and then prayeth that he may heare the obligation wherewith the plaintife chargeth him.

Soit is when as executors bring an action of debt, & the defendant demandeth to hear the teſtament, vpon this demaund it ſhalbe read vnto the defendant: But if it be in an other terme, or after that the def. hath imparled, the he ſhall not heare it. And ſo as is ſaid of Deeds, is to bee vnderſtood of Records that are alleaged againſt him. See the title Shewing of deedes.

332 Oyer & terminer.

Oler & Terminer, is a writ called in Latin, de Audiendo & terminando, and it speth where any great or sodain insurrection is made, or any other sodaine trespas which requireth haste reformatiõ, then the King shall direct a commission to certaine men & Justices to heare & to determine the same.

Note that the Justices of Assise haue also one Commission of Oier & determiner, directed to them, and diuers other inhabitants within ẽ Shires, whereunto their circuite extendeth, wherof eche one of the Justices of Assise are of the Quorũ, for the hearing and determining of diuers offences, which may happẽ in their circuite, which without the cõmission they could not.

Oier & Terminer.

Oler & terminer, est brẽ appel en Latine de Audiendo & Terminando, & gist quant ascun graũd ou sodain insurrectiõ est fait, ou ascun auter sodain trãsgression que requist hasty reformation, donques le Roy directera vn commission a certaine gents & Justices de audiendo & terminando.

Nota que les Iustices de Assise ont vn commission de Oier & determiner, direct al eux, & diuers auters inhabitants deins les coũties, as queux lour circuite extende, dont chescun de les Iustices de Assise sont del Quorum, pur le meulx Oier & determiner de diuers offences queux poiẽt auener en lour circuites, quel, sans cel commission, eux ne poyent faire.

P

333 Pape.

PApe, is an auntient name falsly arrogated, & proudly vsurped by the Bishop of the onely City of Rome in Italy, and is

P

Pape.

PApe, est vn auntient nosme fauxement arrogate, ou haultment vsurpe p le Eueseq; de le sole Citie de Rome en Italy, & est

communement appelle en Anglois le Pope, vn noſme veramẽt mult frequent en noſtre auncient annels liuers, ſpecialmẽt en les tẽps de ceux Royes, q̃ux grãdment abãdonãts lour imperial auẽthority, & abaſants eux meſmes mult debaſe lour eſtate, ne fuer honte de ſuffer vn alien & outlandiſh Eueſq; que inhabite ouſter mille & cinque cent myles de eux, de eſtre Soueraigne dehault eux en lour dominions demeſne, & de toller de eux non ſolemẽt le diſpoſition de certain petite triſles de nul account, mes auxy le nomination de Archeueſques, Eueſques, Abbots, Deans, Prouoſtes, appropriatiõs de benefices, preſentations al parſonages, vicarages, & generalment de touts ſpirituall perſons a lour preferment, aſcun temps per laps, & aſcun temps per prouiſion, ou autrement, per que le Prerogatiue del Royes fuit mult abridge deins lour Realmes demeſne. Pur le repreſſion de quel diuers Statutes

commonly Engliſhed the Pope, a name truely much frequent in our auntient peare bookes, ſpecialy in the times of thoſe Kings, who too much abandoning their Imperiall authozitie, and abaſing themſelues farre beneath their eſtate, were not aſhamed to ſuffer an alien, and an outlandiſh Biſhop, that dwelt aboue xb. hundzed miles from them, to bee Soueraigne ouer them in their owne dominions, and to take from them not onely the diſpoſition of certain ſmal triſles of none accoũt, but alſo the nominations of Archbiſhops, Biſhops, Abbots, Deanes, Pzouoſtes, appzopziations of benefices, pzeſentations to Parſonages, Vicarages, and generally of all ſpirituall perſons to their pzefermẽts, ſometimes by laps, & ſometimes by pzouiſiõ, oz other wiſe, wherby the kings pzincely pzerogatiue was very much abzidged within their own realmes. Foz the repzeſſion wherof diuers ſtatutes

were

were made, but no ſufficient remedy vntil King H. the 8. did caſt off their poke for him and his ſubiects.

334 Per que ſeruitia.

LOoke therefore afterward in the title Quid iuris clamat.

335 Parceners.

PArceners are according to the courſe of the common Law, & according to the cuſtome, Parceners according to the common law, are where one ſeiſed of an eſtate of inheritance of tenements hath no iſſue but daughters, & dyeth, & the tenements diſcend to the daughters, thē they be called Parceners, & are but as one heir. The ſame law is, if hee haue not any iſſue, and that his ſiſters ſhold be his heirs. But if a mā hath but one daughter, ſhee is not called parcener, but ſhe is called the daughter & heire. And if there be no daughters nor ſiſters, the land ſhal diſcēd to aunts, & they be called parceners. Alſo whē lāds diſcend to diuers Parceners, they may make partition betweene thēſelues

ont eſtē fait, mes nul ſufficient remedy tanq; Roy H. l' 8. tout ouſterm̄t reiect cel iuge del luy & ſes ſubiects.

Per que ſeruitia.

VIde de ceo apres titulo Quid iuris clamat.

Parceners.

PArceners, ſont ſolonque le cours de Common ley, & ſolonque le cuſtome. Parceners ſolonque le common ley ſont lou vn ſeiſie dun eſtate de enheritance des tenemēts adiſſue forſque files & deuie, & les tenements deſcendont a les files, donques ils ſont appell' Parceners, & ſont forſque vn heire. Meſme le ley eſt, ſi neyt aſcun iſſue, & que ſes ſoers ſerroyent ſes heires. Mes ſi home ad forſque vn file, el eſt dit parcener, mes el eſt dit la file & la heire. Et ſi ne ſont files ne ſoers, les terres deſcenderont a les Aunts, & els ſont appels Parceners. Auxy quaunt terres deſcendont a diuers parceners, els poyent faire partition enter eux

per agreement, mes si aſcun de eux ne voilent faire partition, donques lauter ou les anters aueront vn briefe de Participatione facienda direct al Vicont, que ferra partition enter eux per le ſerement de xij. loyals homes de ſa bailywike. Auxy partition per agreement poit eſte fait per le ley, auxibien per parol ſauns fait come per fait. Et ſi ſont de plein age, le partitiõ touts iours demurrera, & ne ſerra vnques defete. Mes ſi les terres ſont a eux en le taile, & coment que ils ſont concludes durant lour vies, vncore le iſſue ceſtuy que ad le meinder part en value poit diſagree a le partition, & enter & occupier en common oueſque lautr̃ part. Et auxy ſi les barons des parceners ſont partition, quaunt le baron deuie, la feme poit diſagreer a la partition. Auxy ſi le parcener que eſt deins age fait partition, quant el vient a ſon pleine age, el poit diſagreer. Mes el couient byen garder quant el vient a ſon pleine

by agreemẽt, but if any of them will not make partition, then the other or the others ſhal haue a writ de Participatione faciẽda directed to ỹ ſhirife, whoſhal make partition betweene them by the oth of xij. lawfull men of the bailiwike. Alſo partitiõ by agreemẽt may be made by the law, aſſwell by worde without deede as by deede. And if they bee of full age, ỹ partitiõ ſhal remain for ever, & ſhal not at any time bee defeted. But if ỹ lãds bee to thẽ in ỹ taile, & though ỹ they are concluded during their liues, yet the iſſue of him which hath the leſſer part in value, may diſagree frõ ỹ partitiõ, & enter & occupie in common with the other part. And alſo if the husbands of the parceners make partition, when the husband dyeth, the wife may diſagree frõ the partition. Alſo if the parcener which is within age maketh partitiõ, whẽ ſhe commeth to full age, ſhe may diſagree. But ſhee muſt take good heed when ſhee commeth to her full

age

age, that shee take not all the profits to her own vse of the landes which were to her allotted, for thē shee agreeth to the partition, and the age shal alway be intended the age of xxj. yeares.

Also if there bee diuers parceners that haue made partition betweene thē, & one of their parts be recouered by lawful title, then she shall compell the other to make a new partition.

Also they are parceners according to custome, where a man is seised of lands in Gauelkind, as in Kent, and in other places franchised, and hath issue diuers Sonnes, and die, then the sonnes are Parceners by custome.

336 Partition.

PArtition, is a diuiding of landes discended by the common Law, or by Custome among coheires or parceners, where there be two at the least, whether they bee sons, daughters, sisters, aunts, or otherwise of kin to the ancestour from whom the land discended to them.

age, q̄ el ne preigne touts les profites a son vse demesne des terres que fueront a luy allottes, car donques el soy agree a le partition, & le plein age serra touts foits entende al age de xxj. ans.

Auxy si sont diuers Parceners que ont fait partition enter eux, & le part de vn soit recouer vers luy per title loyal, donques el compellera les auters de faire nouel partition.

Auxy ils sont Parceners solonque le custome, lou home est seisie de terres en Gauelkind, come en Kent, & auters lieux franchises, & ad issue diuers fites & deuie, donques les fites sont Parceners per le custome.

Partition.

PArtition, est vn diuision de terres discendus per le common ley, ou per Custome perenter coheires ou parceners, ou ils sont deux al meines, soyent ils fites, files, soers, auntes, ou auterment de kinne al auncestour de que le terre discende al eux.

Et ceſt partition eſt fait quatuor voies pur le plus part, de que trois ſont al pleaſure & per agreement perenter eux, le quart eſt per compulſion.

And this partition is made foure waies for the moſt part, whereof three are at pleaſure and by agreement among them, the fourth is by compulſion.

Vn partition per agreeuent eſt quant ils meſmes deuide le terre equalment en tantes partes come la ſont de eux coparceners, & cheſcun de eſlier vn ſhare, ou part, le eigne primerment, & iſſint lun apres lauter, come ils ſont de age, ſinon que le eigne per conſent fait le partition, donques le election appertient al procheine, & iſſint al eigne darreinmẽt accordant come il eſt dit: Cuius eſt partitio, alterius eſt electio.

One partition by agreement is when they themſelues deuide the land equally into ſo many parts as there be of them coparceners, and each to chuſe one ſhare, or part, the eldeſt ſister, and ſo the one after the other, as they bee of age, except that the eldeſt by conſent made the partition, then the choiſe belongeth to the next, and ſo to the eldeſt laſt, according as it is ſaid: Who ſo maketh the partition, the other muſt haue the choiſe.

Vn auter partition per agreement eſt, quant ils eſlient certaine de lour amies de faire diuiſion pur eux.

An other partition by agreement is, when they chuſe certaine of their friendes to make diuiſion for them.

Le tierce partition per agreement eſt, per trahens de lots, iſſint: Primerment de deuider le terre en tants des partes come la ſont parceners, dõques ſa ſcriber

The third partition by agreement is, by drawing of Lots, thus: Firſt to deuide the Land into ſo many partes as there bee parceners, then to write

euery

euery part seuerally in a little scroll or peece of paper or parchment, & to put the same scroll vp close into a hat, or cappe, or other such like thing, & then ech parcener, one after an other as they be of age, to draw out therof one peece or scroll wherein is written a part of ꝑ land, which by this drawing is now seuerally allotted vnto thē in fee simple.

The fourth partition which is by compluſiō, is when one or some of the coparceners would haue partition, and otherſome will not agree therto, then they that so would haue partitiō may bring a writ De partitione facienda against the others that would not make partition, by vertue wherof they shall bee compelled to depart &c.

In Kent where the lands are of Gauelkinde nature, they call at this day their partition Shifting, euen the very same worde that the Saxons vsed, namely Shiftan, which signifieth to make

cheſcun part ſeueralment en vn petit ſcroll ou peece de paper ou parchment, & de mitter ceux ſcrols cloſe en vn hat, cap, ou auter tiel ſemblable choſe, & donques cheſcun parcener, vn apres auter come ils ſont de age a traher hors de c' vn peece ou ſcrol en que eſt eſcript vn part del terre, que per ceſt trahens eſt ore ſeueralmt allotte al eux en fee ſimple.

Le quart partition que eſt per compluſion, eſt lou vn ou aſcun de les coparceñs voylent aũ partition, & auters ne voylēt agreer a c'; donque ceux que iſſint voylent auer partitiõ poient porter vn brief de Partitione facienda enuers les auters queux ne voylent fayre partition, per vertue de quel ils ſerront compel de departer &c.

En Kent lou les terres ſont de Gauelkinde nature, ils appel a ceſt iour lour partition Shifting, il meſme parol que les Saxons vſe, noſmement Shiftan, que ſignifie pur fayre partition

perenter coheirs, & pur assigner a chescun de eux lour portion In Latine est appel Herciscere.

Partition auxy poit estre fait per ioyntenants ou tenants en common per lour assent, per fait enter eux, ou per bre per les statutes de 31. H.8. cap. 1. & 32. H. 8. cap. 32.

betweene coheirs partitiō, & to assigne to ech of them their portiō, In latin it is called Herciscere.

Partition also may bee made by Iointenants or tenāts in commō by their assent, by deede betweene them, or by writ by the statutes of 31. H.8. ca. 1. & 32. H.8. ca. 32.

337 Parties.

PArties al fin ou fait, sont ceux queux sont nosmes en faits ou fines come parties a ceo, cōe ceux queux leuy le fine, & auxy ils a que le fine est leuy. Et ils que font vn fait de feffemēt, & ils a que il est fait sont appelles parties al fait, & issint en auters semblables cases.

Nota que si vn Indenture soyt fait enter deux come pties a ceo en le cōmencemēt, & en le fayt vn de eux graunta ou lessa vn chose al vn auter que nest nosme en le commencement, il nest party al fait, ne prendera riens per ceo.

Parties.

PArties to a fine or deed, are those which are named in deedes or fines as parties to it, as those that leuie the same fine, & als they to whom the fine is leuied. And they ỹ make a deed of feoffemēt, & they to whom it is made, are called parties to the deed, and so in any other like cases.

Note that if an Indenture be made betweene two as parties thereto in the beginning, & in the deede one of them graunteth or letteth a thing to another, that is not named in the beginning, he is not party to the deede, nor shall take any thing thereby.

338 Pa-

338 Patron.

PAtron, is he that hath ꝑ aduowſon of a parſonage, vicarage, freechappell, or ſuch like ſpirituall promotion belonging to his manor, or otherwiſe in groſſe, and thereby may or ought to giue the ſame benefice, or preſent thereto, when and as often as it falleth void. And this being patron or patronage had beginning for ꝑ moſt part by one of theſe three wayes, namely, either by reaſon of the foundation, for that the Patron or his anceſtors, or thoſe from whom hee claimes were founders or builders of the church, or by reaſon of dotation, for that they did endow or giue landes to the ſame for maintenance thereof, or els by reaſon of the ground, becauſe the Church was ſet or buylded vpon their ſoyle or ground: And many times by reaſon of thē all three.

339 Perquiſites.

PErquiſites, are aduantages and profites that come to a mannor by caſualtie, and not yearely,

Patron.

PAtron, eſt celuy que ad le aduowſon de vn parſonage, vicarage, franke chappel, ou tiels ſemblable ſpirituall promotions appertient a ſon manor, ou auterment en groſſe, & per ceo poit ou doit doner meſme le benefice, ou preſent a ceo, quant & cy toſt que il deuient voide. Et ceſt eſteant Patron ou patronage ad commencemēt pur le pluis part per vn de ceux trois voies, noſmement ou ratione fundationis, pur ceo que le Patron ou ſes anceſtours, ou ceux de que il claime fueront founders ou edifiers de la Eſgliſe, ou ratione dotationis, pur ceo que ils endow ou done terres al ceo pur maintenance, ou autermēt ratione fundi, pur ceo que le Eſgliſe fuit mis ou edifie ſur lour ſoyle ou terre: Et diuers temps per reaſon de ils touts trois.

Perquiſites.

PErquiſites, ſont aduantages & profites queux vient al vn manor per caſualtie, & non annuelmēt, come

come Escheates, Hariots, Reliefes, waifes, estrayes, forfeitures, amerciaments en courts, gardes, marriages, biens & tres purchase per villeins de m̃ le manor, fines del copiholds, & diũs semblable choses queux ne sont certaine mes happen per chance, ascun tẽps pluis often que a auter temps. Vide Perkins fol. 20. & 21.

as Escheats, Hariots, reliefs, waifs, estrayes, forfeitures, amerciaments in courts, wards, mariages, goods and lands purchased by villeins of the same manor, fines of copiholds, & diuers such like things that are not certaine but happen by chaunce, sometimes more often then at other times. See Perkins fol. 20. & 21.

340 Perambulatione facienda.

PErambulatione facienda est vn bre, & gist lou ij. seigniories gisont vn pres lauter, & ascun encrochm̃t est fait per long temps, dõques per assent de ambideux Seigniors, le Vicount prendera ouesque luy les parties & les vicines, & ferront perambulation, & ferront les metes come ils fueront adeuant. Mes si vn Seignior encroche sur lauter, & il ne voile faire perambulation, donques le Seignior issint greeue auera briefe vers lauter, que est appelle de Rationabilibus diuisis.

Perambulatione facienda.

PErambulatione facienda is a Writ, and it lyeth where two Lordships lie one nigh another, & some encrochment is made by long time, then by assent of both Lords, the Sherife shall take with him the parties & the neyghbors, and shal make perãbulation, & shall make the boundes as they were before. But if a lord incroch vpon another, & he wil not make perambulation, thẽ the Lord so greeued shall haue a writ against the other, which is called de Rationabilibus diuisis.

341 Petit Cape.

PEtit Cape, is a writ, & it lyeth when any action reall, that is to say, of plee of land is brought, & the tenant appeareth, and afterward maketh default, then this writ of Petite Cape shall go forth to seise the lands into the Kings hands: But if he appeare not, but maketh default at the first summons, then a Graūd cape shall go forth, and for such default the tenant shal lose the land, but if he wage his law of non summons, he shal saue his default, and then hee may plead with the demandant. And in Graund cape the tenant shall be summoned to answere to the default, and farther to the demandant: But in Petit cape he shall bee summoned to answere to the default only, and not to the demandāt. And it is called Petit cape for that that there is lesse in this writ thē in ſother.

342 Petit Serieantie.

TO hold by Petit Serieanty is as if a man hold of the king lands or tenements, yelding to him a

Petit Cape.

PEtit Cape est vn briefe, & gist quant ascun action real, s. de plee de terre est port, & le tenaunt appeare, & puis fait default donques issera cest briefe de petit Cape de seiser les terres en maines le Roy: Mes sil ne appera, mes fait default al primer summōs, donques issera vn Graund cape, & pur tiel default le tenaunt perdra la terre, mes sil gage son ley de non summons, il sauera son default, & donques il poyt pleade ouesque le demandant. Et en Graund cape le tenaunt serra summon pur responder al default, & ouster al demaundaunt: Mes en Petit Cape il serra summon, pur responder al default solement, & nemy al demaundant. Et est appelle Petit cape, pur ceo que il ad minus en cel briefe, que en lauter.

Petit Serieantie.

TEner per Petit Seriantie est sicome vn home tient de Roy terres ou tenements, rendant a luy vn cuttel,

cuttle, vn eſcue, vn ſette vn arcke ſauns corde, ou auter ſemble ſeruice, a la volunt le primer feoffour, et la nappent garde, mariage, ne reliefe. Et nota que home ne poit tener per graund Serieantie, ne per petite Serieantie, ſinõ del Roy.

343 Plaintife.

PLaintife, eſt celuy q̃ ſue ou cõplain en vn Aſſiſe, ou en vn action perſonall, come en vn action de det, treſpas, diſceit, & detinue, & tiels ſemblables.

344 Pleading.

PLeadings, ſont appelles touts actes del parties al ſuits apres le count ou declaration, noſmement ceo que eſt conteine en le barre, replication, & reioinder, & non ceo conteine en le count meſme, & pur ceo defaults en le matter del count, ne ſont compriſe deins miſpleading, ou inſufficient pleading, ne ſont remedy per le ſtatute de leofailes, 32. H 8. Mes ſolement ceo miſpleading, ou inſufficient pleading, commit en le barre, replica-

knife, a buckler, anarrow, a bow without ſtring, or other like ſeruice, at the will of the firſt feoffor, and there belongeth not ward, mariage, ne reliefe. And marke well that a man may not hold by graund nor petite Serieantie, but of the King.

Plaintife.

PLaintife, is he that ſueth or complaineth in an aſſiſe, or in an action perſonal, as in an action of det, treſpas, deceit, detinue, & ſuch other.

Pleading.

PLeadings, bee called all the ſayings of the parties to ſuits after the coũt or declaration, namely that which is contained in the barre, replication, and reioinder, & not that contained in the count it ſelf, and therfore defaults in the matter of the count are not compriſed within miſpleading, or inſufficient pleading, nor are remedied by the ſtatute of Leofailes, 32. H. 8. But onely that miſpleading, or inſufficient pleading, committed in the barre, replica-

tion,

tion, and reioinder, are there prouided for.

345 Post disseisin.

POst disseisin, Looke for that before in the title Assise.

346 Possession.

POssession, is said two wayes, either actuall possession, or possession in law.

Actuall possession, is when a man entreth in deede into landes or tenements to him discended, or otherwise.

Possession in law, is when landes or tenements are discended to a man, and he hath not as yet real-ly, actually, and in deede entred into them: And it is called possession in law, because that in the eye, & consideration of the law, he is deemed to be in possiō, for asmuch as he is tenant to euery mās action that will sue concerning the same landes or tenements.

347 Poundes.

POundes, are in ij. sorts, the one Pound open, the other Pound close.

tion, & reioinder, sont la prouide.

Post disseisin.

POst disseisin, Vide de ceo deuant en le title Assise.

Possession.

POssession, est dit deux voies, ou actuall possession, ou possession en ley.

Actuall possession, est quaunt vn home enter en fait en terres ou tenements a luy discende, ou autrement.

Possession en ley, est quant terres ou tenements sont discende al vn home, & il nad vncore realment, actualment, & en fait enter en eux: Et il est apelle possession en ley, pur c' que ē le oiel, & consideration del ley, il est pense deste en possession, entant que il est tenant a chescun action que ascun voit suer concernant mesmes les terres ou tenements.

Poundes.

POundes, sont en deux sorts, lun Pound ouert, le auter Pound close.

Pound

Pound ouert, eſt cheſcun lieu en que vn diſtreſſe eſt mis, ſoit ceo common pound, tielx que ſont en cheſcun ville ou Seigniorie, ou ſoit ceo backſide, court, yarde, paſture, ou autrement quecunque, lou le owner del diſtreſſe poit vener a doner eux viande ſans offence ꝑ lour eſteant la, ou ſon vener la.

Pound cloſe, eſt tiel lieu, lou le owner del diſtreſſe ne poit vener a doner eux viande ſauns offence, come en vn cloſe meaſon, ou quecunque auter lieu.

348 Preamble.

PReamble, ad ſon noſme de le prepoſition (Præ) deuant, & le verbe (Ambulo) pur va, iſſint ioint enſemble, ils ſont vn compound verbe de le primer coniugation (Præambulo) pur vaer deuant, & de ceo le primer part ou commencement dun act, eſt appelle le Preamble de le act, le quel preamble eſt vn cliffe de ouerer les ments del ſeaſors del Act, & les miſchiefes que ils entende

Pound open, is euery place wherin a diſtreſſe is put, whether it be common pound, ſuch as are in euery Towne or Lordſhip, or whether it be backſide, court, yard, paſture, or elſe whatſoeuer, whether the owner of the diſtreſſe may come to giue them meate & drinke without offence for their beeing there, or his comming thither.

Pound cloſe, is ſuch a place, where the owner of the diſtreſſe may not come to giue them meate and drink without offence, as in a cloſe houſe, or whatſoeuer elſe place.

Preamble.

PReamble, taketh his name of the prepoſition (Præ) before, and the verb (Ambulo) to goe, ſo ioyned together, they make a compound verbe of the firſt coniugation (Preambulo) to goe before, & hereof the firſt part or beginning of an Act, is called the Preamble of the Act, which preamble is a key to open the mindes of the makers of the Act, and the miſchiefs that they intend

to

to remedy by the same: As for example, the stat. made at Westm. the first the 37. chap. which giueth an Attaint, ye preamble of which is thus: Forasmuch as certain people of ye realme doubt very little to giue false verdicts or oathes, which they ought not to do, whereby many people are disherited & loose their right, it is prouided &c.

de remedy per ceo: Come pur example, le statute fait al West. le primer le 37. ca. que done Attaint, le Preamble de que est issint: Pur ceo que ascuns gents de la terre doutent meines faux serem̃t faire, que faite ne duissent, ꝑ que multes des gentes sount disherites & perdét lour droit, puruiew est &c.

346 Præmunire.

PRæmunire, is a writ, & it lyeth where any man sueth any other in the spirituall court, for any thing that is determinable in ye kings court, and that is ordained by certain Statutes, and great punishment therfore ordained, as it appeareth by the same statuts, viz. that he shalbe out of the Kings protection, and that hee bee put in pryson without bayle or mainprise, til that he haue made fine at the Kinges will, and that his lands & goods shall be forfeit if he come not within two monethes. Also the prouisors, procurators, attur-

Præmunire.

PRæmunire, est vn briefe, & gist lou ascun home sue ascun auter en court christian, pur ascun chose que est determinable en le court le Roy, & ceo est ordayne per certaine Statutes, & graund punishment a ceo ordeine, come appiert per mesme les statutes, cestascauoir, que il serra hors de protection le Roy, & que soyt mis en prison sauns bayle ou mainprise, tanque ils ad fait fine al volunt le Roy, & que ses terres & chateux serront forfaites si il ne veygne deins deux moys. Auxy lour prouisors, procurators, attur-

nies,

nies, executors, notaries, & maintainors, ſerrõt puniſh en mᵉ le maner, Ideo vide Statutum.

Auxy aſcuns dient que ſi vn Clerke ſue auter hõe en court de Rõe pur choſe ſpiritual, lou il poit auer remedie deins ceſt Realme en court ſon Ordinary, que il ſerra en caſe de le ſtatute.

Et ſur diuers auters offences eſt impoſe per ſtatutes depuis fait le penaltie que eux incurre queux fueront attaintes en Premunire: Come per 13. Eli. cap. 8. ceux que aydont a faire corrupt bargaine ſur que vſury eſt reſerue ouſter x.li. pur le hundred en lan &c.

350 Precipe in capite.

PRecipe in capite, eſt vn briefe, & giſt lou le tenant que tient del Roy en chiefe, come de ſa corone, & il eſt deforce, ceſt adire ouſte de ſon terre, dõques il auera ceſt briefe, & ceſt briefe ſerra cloſe, & ſerra plede en le common bank.

nies, executors, notaries, & maintainors, ſhal be puniſhed in the ſame maner, Therefore looke the ſtat.

Alſo ſome men ſay, that if a Clerk ſue another mã in the Court of Rome for a thing ſpiritual where he may haue remedy within þ realm in þ Court of his Ordinary, that he ſhall be within þ caſe of the ſtatut.

And vpon diuers other offẽces is impoſed by ſtatuts lately made the penalty þ they incurre which are attainted in præmunire: As by 13. El. ca. 8. they wh ch are ayding to make a corrupt bargain whereupon vſury is reſerued aboue the x. pounds in the hundred in the yeare &c.

Precipe in capite.

PRecipe in capite, is a writ, and it ſpeth where the tenant holdeth of the King in chiefe, as of his crowne, & he is deforced, that is to ſay, put out of his land, thẽ he ſhall haue this writ, & this writ ſhal be cloſe, & ſhall be pleaded in the common place.

Auxy ſ aſcun tenant que

Alſo if any tenant wh ch holdeth

holdeth of any lord be deforced, it behoueth him to sue a writ of Right patēt which shal be determined in the Lords court. But if the land be holden of the king, the writ of right patent shal be brought to the kings court: & this Writ may be remoued from the Lords court vnto ꝑ coūty by a Tolt, & from the coūtie into the common place by a Pone. Looke therfore before in the title Droit.

351 Prescription.

PRescription, is when a man claimeth any thing for that he, his ancestors, or predecessors, or they whose estate he hath, haue had or vsed any thing all the time, whereof no mind is to the contrarie.

But one may not prescribe against a statute, except hee haue another statute that serueth for him.

352 Presentment.

PResentment, is of two significations: one is presentment to a Chruch, which whē any mā which hath right to giue any benefice spirituall, & nameth the person to the Bishop

tient de ascun Seigniour soit deforce, luy couient suer brief de Droit patent que serra determine en le court le Seigniour. Mes si le terre soit tenus del Roy, le briefe de droit patēt serra port al court de Roy. Et cest briefe poit este remoue de la court le Seigniour en le countie per vn Tolt, & de la county en common bank ꝑ vn Pone. Ideo vide deuaunt titulo Droit.

Prescription.

PRescription, est quaunt vn person claime ascun chose, pur ceo que il, ses ancestors, ou predecessors, ou ceux que estate il ad, ont ew ou vse ascun chose dont nul memorie curt al contrarie.

Mes ne poit prescribe encoūter vn estatute, sinon que il ad auter statute que serue pur luy.

Presentment.

PResentment, est equiuocum: lun est presentment al Esglise, quel quaunt ascun home que ad droit a doner ascun benefice spirituall, & nosme le person al Euesque

a que il voit le doner, & fayt vn letter-al Eueſque pur luy, ceo eſt vn preſentation ou preſentmẽt. Mes ſi diuers coheires ne poyent accorder ẽ preſentmẽt, le preſentee de leigne ſerr admitte, Mes de loyntenants & tenants en common, ſi ils ne accordant deins les fize moys, le Eueſque preſentera per laps.

Lauter eſt vn preſentment ou Information per aſcũ lurie en vn Court, deuant aſcun officer la q̃ ad auctoritie de puniſher aſcũ offence fait contr̃ le ley.

353 Pretenſed droit ou Title.

PRetenſed droit ou Title, eſt lou vn eſt en poſſeſſion de terres ou tenemẽts, & vn auter que eſt hors de poſſeſſion, claime ceo, ou ſue pur ceo: Ore le pretenſed droit ou title eſt dit en luy, que iſſint ſue ou claime. Et ſi il puis vient a le poſſeſſion de meſme les terres ou tenementes, ſon droyt ou title eſt annexe al terre & poſſeſſion, & nient donque appel droit.

to whom he will giue it, & maketh a writting to the Biſhop for him, that is a preſentation or preſentmẽt. But if diuers coheires may not agree in preſentment, the preſentee of the eldeſt ſhall bee admitted. But of Jointenants & tenants in common, if they agree not within ſixe monethes, the Biſhop ſhall preſent by laps.

The other is a preſentment or inforꝛmation by a iurie in a court, beſoꝛe any officer which hath authoritie to puniſh any offence done contrarie to the law.

Pretenſed right or Title.

PRetenſed right or Title, is where one is in poſſeſſion of landes or tenements, & another who is out of poſſeſſion, claimeth it, or ſueth for it: Now the pretenſed right or title is ſaid in him, who ſo doth ſue or claime. And if hee afterward come to ẽ poſſeſſion of the ſame landes or tenements, his right or title is annexed to the land and poſſeſſion, & not then called right.

354 Pri-

PRiuie, or Priuities, is where a lease is made to hold at will, for yeares, for life, or a feoffement in fee, and in diuers other cases, now because of this that hath passed between these parties, they are called priuies, in respect of strangers, betweene whom no such dealings or conueyances hath bin.

Also if there bee Lord and tenant, and the tenant holdeth of the lord by certain seruice, there is a priuitie betweene them because of the tenure, and if the tenaunt be disseised by a stranger, there is no priuitie betweene the disseisor and the Lord, but the priuitie stil remaineth betweene the lord and the tenant that is disseised, & the Lord shall auow vpon him, for that hee is his tenant in right, and in the iudgement of the Law.

Priuies are in diuers sorts, as namely, priuies in estate, priuies in deede, priuies in Law, priuies in right, and priuies in blood.

Priuie, ou Priuities.

PRiuie, ou Priuities, est lou vn lease est fait a tener a volunt, pur ans, pur vie, ou vn feoffement en fee, & en diuers auters cates, ore pur ceo de ceo que ad passe perenter ceux parties, ils sont appelles priuies, en respect de strangers perenter queux nul tiel conueyances ad estre.

Auxy si soit Seigniour & tenaunt, & le tenant tient del Seigniour per certaine seruice, il y ad vn priuitie perenter eux per cause de tenure, & si le tenaunt soit disseisie per vn estranger, il ad nul priuitie perenter le disseisour & le Seigniour, mes le priuitie vncore demurt perenter le Seigniour & le tenant que est disseisie, & le Seigniour auowe sur luy, pur ceo que il est son tenaunt en droit, & en le iudgement del ley.

Priuies sont en diuers sorts, come nosmement, priuies en estate, priuies en fait, priuies en ley, priuies en droit, & priuies en sanke.

Priuies en estate, est lou vn lease est fait del mannour de Dale al A. pur vie, le remainder al B. en fee, la & A. & B. sont priuies é estate, car lour estates fueront fait ambideux al vn temps.

Et issint est en le primer case cy, ou vn lease est fait al volunt, pur vie, ou ans, ou vn feoffement en fee, les lessees ou feoffees sont appel priuies en estate, & issint sont lour heires &c.

Priuies en fait, est lou vn lease est fait pur vie, & apres per vn auter fait le reuersion est graunt al vn estranger en fee, cest grauntee del reuersion est appel priuie en fait, pur ceo que il ad le reuersion per fait.

Priuie en ley, est lou il est Seigniour & tenant, le tenaunt lessa le tenancie pur vie & moruſt sauns heire, & le reuersion escheate al Seigniour, il est dit priuie en ley, pur ceo que il ad son estate solement per le ley, cest adire per escheate.

Priuies in estate, is where a lease is made of the mannour of Dale to A. for life, the remainder to B. in fee, there both A. & B. are priuies in estate, for their estates were both made at one time.

And so it is in the first case here, where a lease is made at will, for life, or yeares, or a feoffement in fee, the lessees or feoffees are called priuies in estate, and so are their heires &c.

Priuies in deede, is where a lease is made for life, and afterward by another deede the reuersion is graunted to a straunger in fee, this grauntee of the reuersion is called priuy in deed, because that hee hath the reuersion by deed.

Priuie in law, is where there is Lord and tenant, the tenaunt letteth the tenancie for life and dyeth without heire, & the reuersion escheats to the Lord, hee is said priuie in law, because that hee hath his estate only by the law, that is to say, by escheat.

Priuie

Priuie in right, is where one poſſeſſed of a term for yeares, graunteth his eſtate to an other vpon condition, and maketh his executors and dyeth, now theſe executors are priuies in right, for if the condition bee broken, and they enter into the Land, they haue it in the right of their Teſtator, and to his vſe.

Priuie of blood, is the heire of the feoffour or donour, &c.

Alſo if a fine be leuied, the heires of them that leuied the fine are called priuies.

Priuie en droit, eſt lou vn poſſeſſe dun terme pur ans, graunta ſon eſtate al vn auter ſur condition, & fait ſes executours & moruſt, ore ceux executors ſont priuies en droyt, car ſi le condition ſoyt enfreint, & ils entront en le terre, ils aueront ceo en le droyt de lour teſtatour, & a ſon vſe.

Priuie de ſanke, eſt le heire de le feoffor ou donor &c.

Item ſi vn fine ſoyt leuie, les heires de celuy que leuie le fine ſont appelle priuies.

355 Priuiledges.

PRiuiledges, are liberties and franchiſes granted to an office place, towne, or manour, by the Kings great charter, letters patents, or act of parliament: as Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Oredelſe, and diuers ſuch like, for which looke in their proper title and places.

Priuiledges.

PRiuiledges, ſõt liberties & franchiſes graunt al vn office, lieu, ville, ou manor, per la graund charter del Roy, letters patents, ou act de parliam ẽt cõe Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Oredelſe, & diuers tielx ſemblables, pur queux veies en lour proper titles & lieu.

PRoces, ſont les brieſes & precepts que iſſuont ſur le original. Et en actions reals & perſonels ſont diuers ſorts de proces, car en actions reals le proces eſt Graund Cape deuaunt apparaunce: Ideo vide de ceo en le title Petite Cape.

Mes en actions perſonals, come en dette, treſpas, ou detinue, le proces eſt vn diſtreſſe, & ſi le Vicount returne Nihil habet in balliua &c. donques le proces eſt Alias Capias, & Pluries, & vn Exigent, & ils ſont appelles Capias ad reſpondendum. Auxy le Exigent ſerra cinque ſoits proclaimes, & ſi le partie nappeare il ſerra vtlage. Mes en diuers actions ſont diuers maners de proces, que eſt pluis alarge declare en Natura breuium.

Auxy ſont diuers auters proces apres apparance, quant les parties ſont al iſſue pur faire lenqueſt appearer, come vn briefe de Venire facias, & ſils ne-apperont al iour, donques vn briefe de Habeas corpora

PRoces, are the writs & precepts that goe vpon the originall: and in actions reals and perſonals there bee ſundry ſorts of proces, for in actiõs reals the proceſſe is Graund Cape before appearance: Therefore ſee of that in ẽ title Petit Cape.

But in actions perſonals, as in debt, treſpaſſe, or detinue, the proces is a diſtreſſe, and if the ſhirife return Nihil habet in balliua &c. then the proces is alias Capias, and Pluries, and an Exigent, & they are called Capias ad reſpondendum. Alſo the Exigent ſhalbe proclaimed fiue times, & if ẽ party doth not appeare hee ſhall bee outlawed. But in diuers actiõs there are diuers maner of proces, which at large is declared in N.B.

Alſo there are diuers other proceſſe after apparance whẽ the parties be at iſſue to make ẽ inqueſt appeare, as a writ of Venire facias, and if they doe not appeare at ẽ day, thẽ a writ of Habeas corpora

Iurat,

Iurat, and after a Writ of Distringas Iurat.

Also there are diuers other processe after iudgement, as Capias ad satisfaciendum, Capias vtlagatum, and Capias ad valentiam &c.

But Capias ad satisfaciendū, lyeth where a man is condemned in any debt or dammage, then he shall bee arrested by this Writ, and put in prison without baile or maine prise, till he hath payed the debt & the dammages.

But Capias vtlagatum, lyeth where one is outlawed, then he shall be taken by this Writ, and put in prison without baile or mainprise, for that he had the law in contempt.

Capias ad valentiam lyeth where I am impleded of certain lāds, & I vouch to warrantie another, and cannot barre the demaundant, so that the demaundant recouer against mee, then I shall recouer so much in value against the vouchee, & then shall goe forth this Writ.

And there be other pro-

Iurat, & apres vn briefe de Distringas Iurat.

Auxy sont diuers auters proces apres iudgement, come Capias ad Satisfaciendum, Capias vtlagatum, & Capias ad valentiam &c.

Mes Capias ad satisfaciendum gist lou vn home est condemne in ascun det ou dammages, donques il serra arrest per cest briefe & mis en prison sans baile ou mainprise, tanque il ad pay le det & les damages.

Mes Capias vtlagatum, gist lou vn est vtlage donques il serra prise per tiel brief, & mis en prison sans baile ou maineprise, pur ceo que il ad fait contēpt encounter le ley.

Capias ad valentiā gist lou ieo sue implede de certain terre, & ieo vouch a garrantie vn auter, & il ne scauoit pas barre le demaundant, issint que le demaundant recouer vers moy, donques ieo recouera tant in value vers le vouchee, & donques issera cest briefe.

Auxy sont auters pro-

ceſſe & brieſes iudicials, come Fieri facias, Scire facias, & pluſors auters: & ideo vide ceux en lour titles.

557 Procheine amy.

PRocheine amy, eſt communemẽt priſe pur Gardian en ſocage, & eſt lou vn home ſeiſie de terres tenus en ſocage moruſt, ſon iſſue deins age de xiiij. ans, dõques le procheine amy, ou procheine de ſãk a que les terres ne poyent vener ou diſcender, auera le gard del heire, & del terre, al vſe ſolement del heire, tanque il vient al age de xiiij. ans: Et donques a tiel ans, le heire poit enter & luy ouſte, & ameſner luy de accompt: Mes en ceſt accompt il auera allowance pur touts reaſonable coſts & expences beſtow ou ſur le heire ou ſon terre.

Et le procheine amy ou procheine de ſanke a que le inheritance ne poit diſcender eſt iſſint deſte entende: Si les terres diſcend al heire de ſon pere, ou aſcun del ſanke del part ſon pere, donques

ceſſe & writs iudicials, as Fieri facias, Scire facias, and many other: and therefore looke for them in their titles.

Next friend.

NExt friend, is cõmonly taken for Gardian in ſocage, & is where a man ſeiſed of land holden in ſocage dieth, his iſſue within age of xiiij yeares, then the next friend, or next of kinne to whom the lands cãnot come or diſcẽd, ſhall haue the keeping of the heire, and of the lande, to the only vſe of their heire, vntill hee come to the age of xiiij. yeares: And then at thar yeres he may enter and put him out: & bring him to accompt: But in that accompt he ſhal be allowed for all reaſonable coſts & expences beſtowed either vpon the heire or his land.

And the next friend or next of kinne to whom ẽ inheritance cãnot diſcẽd, is thus to bee vnderſtood: If the Landes diſcende to the heire from his Father, or any of the kinne of his Fathers ſide, then

the

the mother, or other of the Mothers side, are called the next of kinne to whō the inheritance cānot discend, for before that it shall so discend, it shall rather escheat to the Lord of whom it is holden.

And so it is to bee vnderstood where the landes come to the heire from his Mother, or any of the kinne of his mothers side, then the Father or other of the fathers side are called the next of kinne to whom the inheritance can not discend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Procheine amy is hee which appeareth in any Court for an infant which sueth any action, & aideth the enfant to pursue his suite: wherof see the Statutes of W. 1. cap. 47. & W. 2. cap. 15. that an enfant may not make an Attourney, but the Court may admit the next friend for the plaintife, and a gardian for the enfant defendaunt as his Attourney.

le mere, ou auter del part le mere, sont appelle procheine de sanke a que le enheritance ne poit discender, car deuaunt que il issint discendra, il pluis tost escheatera al Seignior de que il est tenus.

Et issint est deste entēde lou les terres vient al heire de sa mere, ou ascun auter de sanke del part sa mere, donques le pere ou auter del part son pere sōt appelle le procheine de sanke a que le enheritance ne poit discend, mes pluis tost eschetera al Seigniour de que il est tenus.

Auterment procheine amy est ceſtuy que appiert en ascun Court pur vn enfant que sue ascun action, & que ayde le enfant de pursuer son suit: dont vide les Statutes de W. 1. cap. 47. & W. 2. cap. 15. que vn enfant ne poit faire Attourney, mes le Court poit admitter le procheine amy pur le plaintife, & vn Gardian pur le enfant def. cōe son Attourney.

358 Procedendo.

PRocedendo, eſt vn brief, & gift lou aſcun action eſt ſue en vn Court, que eſt remoue a vn pluis hault, come al Chauncerie, banke le Roy, ou Common bank, per briefe de Priuiledge ou Certiorare, & ſi le defendaunt ſur le matter monſtre nad cauſe de priuiledge, ou ſi le matter en le bill ſur que le Certiorare iſſuit ne ſoit bien proue, donques le plaintife auera ceſt briefe de Procedendo pur remaunder le matter al primer baſe Court, & la deſtre determine.

Procedendo.

PRocedendo, is a writ, & it lyeth where any action is ſued in one Court, which is remoued to a Court more high, as to the Chancerie, the Kings bench, or Common place, by a writ of priuiledge or Certiorare, and if the defendant vpon the matter ſhewed, haue no cauſe of priuiledge, or if the matter in the bill whereupon the Certiorare iſſued bee not well proued, thē the plaintife ſhall haue this writ of Procedendo, for to ſend againe the matter vnto the firſt baſe Court, and there to be determined.

359 Prohibition.

PRohibition, eſt vn briefe, & gift lou home eſt emplede en Court Chriſtian de choſe que ne touch matrimonie ne teſtament, ne merement diſmes, mes que touch le corone noſtr Seigniour le Roy, & ceſt briefe ſerra direct auxy bien al partie come al Judge, ou ſon official, de eux prohibite que ils ne purſue ouſter. Mes ſi

Prohibition.

PRohibition, is a writ, & it lyeth where a man is impleaded in the ſpirituall Court of the thing that toucheth not matrimonie nor teſtament, nor merely tythes, but that toucheth the Kings Crown, & this writ ſhall bee directed as well to the party as to the Judge, or his officiall, to prohibite them that they purſue no further. But if

if

it appeare afterward to ỹ Judges tẽporal, that the matter is to be determined in the spirituall Court, & not in the court temporal, then the party shal haue a writ of Cõsultation, commanding ỹ Judges of the Court spirituall to proceed in the first plee.

360 Protection.

PRotectiõ, is a writ, & it lyeth where that a man wil passe ouer the Sea in the kings seruice, then he shall haue this writ, & by this writ he shall be quite of all maner of plees betweene him & any other pson, except plees of dower, Quare impedit, Assise of nouel disseisin, Darreine presentment, & Attaints, and plees before Justices in Eyre. But there be two writs of Protection, one Cum clausula volumus, & an other Cum clausula nolumus, as appeareth in the Regiſter. Also a Protection shall not be allowed in any plee begun before the date of the Protection, if it bee not in vyages where the King himselfe shall passe, or other viages

il appeare apres a les Iudges temporal, que le matter est destre determine en le spirituel Court, & nemy en le Court temporal, dõque le party auera vn brief de Consultation, commandant les Iudges de le court spiritual de proceeder ẽ la primer plee.

Protection.

PRotection, est vn briefe, & gist lou home voit passer ouster le mere en le seruice le Roy, donque il auera cest briefe, & per cest briefe il serra quite de touts maner des plees enter luy & ascun auter person, except plees de Dower, Quare impedit, Assise de Nouel disseisin, Vltimæ presentationis, & Attaints, & plees deuaunt Iustices en Eire. Mes sont deux briefes de Protection, vn Cum clausula volumus, & lauter Cum clausula nolumus, vt appiert en la Regiſter. Auxy Protection ne serra allowe en ascun plee commence deuaunt le date de la Protection, si ne soit en vyages ou le Roy mesme passa, ou auters vyages royals,

royals, ou en meſſage le Roy pur beſoignes de Realme. Auxy Protection ne ſerra allow pur vitailes achates pur le viage, dont le protection fait mention, ne en plees de treſpas, ou de contracts fait puis le date de meſme le protection.

Mes nota, que aſcun poit attacher ou commencer aſcun action real vers ceſtuy que ait tiel protectiõ, & en ceo proceeder tãque le defendaunt veigne & monſtre ſon protection en le court, & ayt ceo allowe, & donque ſon plee ou ſuite ſerra mis ſauns iour. Mes ſi apres il appiert que le partie que ad le protection ne va en beſoigne pur que il eyt ceo, donques le demaundant auera vn repeal de ceo. Et ſil va & returne apres le beſoign finie, le demaundant auera vn reſummons de recontinue le former fait.

royals, or in meſſages of the king for affaires of the Realme. Alſo a protection ſhall not bee allowed for victuall bought for the viage, where of the protectiõ maketh mention, nor in plees of treſpas, or of contracts made after the date of the protection.

But note, that any may attach or begin any action real againſt him y hath ſuch protection, and therein proceed vntill the defendant commeth & ſheweth his protection in the Court, & hath it allowed, and then his plee or ſuite ſhal go without day. But if after it appeareth that the party which hath the protectiõ goeth not about the affaires for which he hath it, thẽ the demandãt ſhall haue a repeal thereof. And if he goe and returne after the buſineſſe ended, the demandant ſhall haue a reſummons to recontinue the former ſuit.

361 Proteſtation.

Proteſtation.

PRoteſtation, eſt vn form de pleading quant aſcun

PRoteſtation, is a forme of pleading when any will

will not directly affirme, nor directly denie any thing that is alledged by an other, or which he himselfe alledgeth. And it is in two sortes: One is, when one pleadeth any thing which hee dare not directly affirme, or that he cannot pleade it for doubt to make his plee double: As if in cõueying to himselfe a title to any land, he ought to plead diuers discents by diuers persons, & he dare not affirme that all they were seised at the time of their death, or although hee could doe it, it shall bee double to plead two discents, of both which, euery one by himselfe may bee a good barre: Then the defẽdant ought to pleade and alleage the matter interlasing this word Protestando, as to say, that such a one died (by protestation) seised &c. and that is to be alleaged by protestation, and not to bee trauersed by the other. In other Protestation is, when one is to answere to two matters, and yet by the law hee ought

ne voit directment affirmer, ne directment denier aſcun choſe quel eſt alleage per auter, ou que il meſme alleage. Et eſt en deux maners, lun eſt quaunt vn pleade aſcun choſe que il ne oſaſt directment affirmer, ou que il ne poit ceo pleder pur doubt de fayre ſon plee double: Come ſi en conueying a luy title al aſcun terre, il doit pleader diuers diſcents per diuers perſons, & il noſaſt affirmer que eux toutes fueront ſeiſies al temps de lour mort, ou coment il ceo purroit, ceo ſerra double a pleder deux diſcents, de queux an bideux cheſcun aparluy poit eſtre bone barre: Donques le defendaunt doit pleder & a leager le matter entrelaſing ceſt parol Proteſtando, come adire, que tiel obijt (proteſtando) ſeiſie &c. Et ceo eſt deſte alleage per proteſtation, & nemy trauerſable per lauter. Auter proteſtation eſt, quant vn eſt de reſponder al deux choſes, & tamen per le ley il doit ple-

pleder forſque a lun, donques en le primer part del plee, il dira, al vn matter Proteſtando, & non cognoſcendo cel matter eſtre voier, & faire ſon plee ouſter per ceux parolx, Sed pro placito dicit &c. & ceo eſt pur ſaluation al partie (que iſſint plede per proteſtation) deſte conclude per aſcun matter alleage ou obiect encounter luy, ſur que il ne poit ioiner iſſue: Et neſt auter choſe mes vn excluſion del concluſion, car il que priſt le proteſtation exclude lauter partie de concluder luy. Et ceſt proteſtation doit eſtoier oue le ſequel del plee, & nemy deſte repugnant, ou auterment contrarie.

to pleade but to one, then in the firſt part of the plee, he ſhal ſay to the one matter Proteſtãdo, & non cognoſcendo, this matter to be true, and make his plee further by theſe wordes, Sed pro placito dicit &c. and this is for ſaying to the party (that ſo pleadeth by proteſtation) to be concluded by any matter alleaged or obiected againſt him, vpon which hee cannot ioyne iſſue: And is no other thing but an excluſion of the concluſion, for he that taketh the Proteſtation excludes the other partie to conclude him. And thys Proteſtation ought to ſtand with the ſequell of the plee, and not to be repugnant, or otherwiſe contrarie.

362 Purchaſe. Purchaſe.

PVrchaſe, eſt le poſſeſſion que vn home ad en terres ou tenements per ſon act demeſne, meanes, ou agreement, & nemy per title de diſcent de aſcun de ſes aunceſtours. Vide Littleton lib. 1. cap. 1.

PVrchaſe, is the poſſeſſion that a man hath in landes or tenements by his owne act, meanes, or agreemẽt, and not by title of diſcent from any of his aunceſtors. See Littletõ lib. 1. cap. 1.

363 Qua-

Q

363 Quale ius.

QVale ius, is a writ, and it lyeth where an Abbot, Prior or such other, should haue iudgement to recouer land by the default of the tenaunt against whom the land is demaunded, then before iudgement giuen, or execution awarded, this writ shall goe forth to the Escheator to inquire what right hee hath to recouer: And if it be found that he hath not right, then the Lord which should haue the land, if the tenant had alyened in Mortmaine, may enter as into land alyened into Mortmaine, for this losing by default is like to an alienation. See the Statute Westminster 2. cap. 32.

But a writ of Ad quod damnum lieth where one will giue landes to an house of Religion, then this writ shall goe forth to the Escheator, to inquire of what value the land is, and what preiudice it shall bee to the King.

Q

Quale ius.

QVale ius, est vn briefe, & gist lou aseun Abbot, Priour, ou tiels auters, aucront iudgement de recouer terre per le default del tenaunt vers que le terre est demaunde, donque deuaunt iudgement done, ou execution agarde, ceſt briefe isſera al Escheator pur enquirer quel droit il ad a recouer: Et si soit trouue que il nad droit, donques le Seigniour que duiſt auer le terre si le tenaunt vst alien en Mortmaine, poit enter come en terre aliene en Mortmaine, car cel perder per default est semble a vn alienation. Vide le statute Westminſter le ſecond capitulo 32.

Mes briefe de Ad quod dampnum gist lou vn voile doner terre al meaſon de Religion, donques ceſt briefe isſera al Escheatour, pur enquirer de que value le terre est, & quel preiudice il ſerra al Roy.

364 Quare eiecit infra terminum.

QVare eiecit infra terminum, eſt vn briefe, & giſt lou vn fait leaſe a vn auter pur terme dans, & le leſſour enfeoffa vn auter, & le feoffee ouſta le termour, donques le termour auera ceſt briefe vers le feoffee. Mes ſi vn auter eſtranger ouſte le termour, donques il auera briefe de Eiectione firmæ vers luy. Et en ceux deux briefes il recouera le terme & ſes dammages.

Quare eiecit infra terminum.

QVare eiecit infra terminum, is a writ, and it lyeth where one maketh a leaſe to another for term of yeres, and the leſſor infeoffeth an other, and the feoffee putteth out the termor, then the termor ſhall haue this writ againſt ỹ feoffee. But if an other ſtranger put out the termor, then hee ſhall haue a writ de Eiectione firmæ againſt him. And in theſe two writs he ſhal recouer the terme & his damages.

365 Quare impedit.

QVare impedit, eſt vn briefe, & giſt lou ieo ay aduowſon, & le Parſon deuie, & vn auter preſenta ſon clerke, ou diſturbe de preſenter, donques ieo auera le dit briefe. Mes Aſſiſe de Darrainpreſentment giſt lou ieo ou mon aunceſtors ont preſent deuant. Et lou home poit auer Aſſiſe de darrain preſentment, il poit auer vn Quare impedit, mes nemy contrarie.

Auxy ſi le plee ſoit dependant enter deux par-

Quare impedit.

QVare impedit, is a writ and it lyeth where I haue an aduowſon, & the Parſon dieth, & an other preſenteth his clerke or diſturbeth mee to preſent, then I ſhall haue the ſaid writ. But Aſſiſe de Darrain preſentment lyeth, where I or my anceſtors haue preſented before. And where a man may haue an Aſſ. de Darrain preſentm̃t, he may haue a Quare impedit, but not cõtrariwiſe.

Alſo if the plee bee depẽding betweene two parties

ties, and bee not diſcuſſed within ſixe monthes, then the Biſhop may preſẽt by Laps, & he that hath right to preſẽt, ſhall recouer his damages, as it appeareth by the ſtatute of Weſt. 2. cap. 5. therefore ſee the ſtatute. Alſo if hee that hath right to preſent after the death of the Parſon, and bringeth no Quare impedit, nor Darraine preſentment, but ſuffereth a ſtrãger to vſurpe vpon him, yet hee ſhall haue a writ of Right of aduowſon: But this writ lyeth not, vnleſſe he clame to haue the aduowſon to him and his heires in fee ſimple.

366 Quare incumbrauit.

QVare incumbrauit, is a writ, & it lyeth where two bee in plee for the aduowſon, & the Biſhop admitteth the Clerke of one of them within the vj. monthes, then hee ſhall haue this writ againſt the Biſhop. But this writ lyeth alway hanging the plee.

367 Quire intruſit matrimonio non ſatisfacto.

QVare intruſit matrimonio non ſatisfacto, is

ties & ne ſoit diſcuſſe deins vj. moys, donques le Eueſq; preſentera per laps, & ceſtuy que addroit de preſenter, recouera damages come appiert per leſtatute de Weſt. 2. cap. 5. ideo vide ſtatutũ. Auxy ſi ceſtuy que ad droyt de preſenter apres le mort del Parſon, & ne porta Quare impedit, ne Darraine preſentment, mes ſuffer vn eſtraunge de vſurper ſur luy, vncore il auera vn briefe de Droyt daduowſon. Mes ceſt briefe ne giſt ſi il ne clayme dauer lauowſon a luy & ſes heires en fee ſimple.

Quare incumbrauit.

QVare incumbrauit, é vn briefe, & giſt lou deux ſont en plee pur lauowſon, & Leueiq; admitta le clerk dũ de eux deins le vj. mois, donques il auera ceſt brief vers le Eueſque. Mes ceſt briefe giſt touts foyes pendant le plee.

Quare intruſit matrimonio non ſatisfacto.

QVare intruſit matrimonio non ſatisfacto, eſt

vn bře, & giſt lou le Seigniour profera conuenable mariage a ſon gard, & il refuſa & entra en la terre, & ſoy marrie a vn auter, donques le Seignior auera ceſt bře vers luy.

a writ, ſit lyeth where the Lord proffereth conuenable marriage to his ward, and he refuſeth & entreth into the lande, & marrieth himſelfe to another, then the Lord ſhall haue this writ againſt him.

368 Quare non admiſit.

QVare nō admiſit, eſt vn briefe, & giſt lou home ad recouer vn Aduowſon, & il maunda ſon conuenable clerk al Eueſque pur eſte admitte, & le Eueſque ne voile luy receiuer, donques il auera le dit bře vers le Eueſque. Mes briefe de Ne admittas giſt, lou deux ſont en ple, ſi le plaintife ſuppoſe que Leueſque voit admit le clerke le defendant, donques il poyt auer ceſt briefe al Eueſque, luy commaundant que il ne luy admitte pendant le plee.

Quare non admiſit.

QVare non admiſit, is a writ, & it lyeth where a man hath recouered an aduowſon, and he ſendeth his cōuenable clerk to the Biſhop to bee admitted, & the Biſhop will not receiue him, thē he ſhal haue the ſaid writ againſt the Biſhop. But a writ de Ne admittas lyeth where two be in plee, if the plaintife ſuppoſe that the Biſhop will admit the clerke of the defendant, then hee may haue this writ to the Biſhop, commanding him not to admit him hanging the plee.

396 Quarentine.

QVarentine, eſt lou home deuie ſeiſie de vn manner place & dauters terres, dont ſa feme doyt eſtre endowe, donques la feme tiendra ſe en le manner place, & la vine

Quarentine.

QVarentine, is where a man dieth ſeiſed of a manor place & other lāds, whereof the wife ought to be endowed, then the woman may abide in the manor place, and there liue

af

of the ſtore & profits ther-
of the ſpace of forty daies,
within which time her
Dower ſhall bee aſſigned,
as it appeareth in Magna
charta, cap. 6.

de le ſtore & profits de ceo
per quarant iours, deins
quel temps ſa Dower ſerra
a luy aſſigne, come ap-
piert in Magna charta,
cap. 6.

370 Quid iuris clamat.

QVid iuris clamat, is a writ, and lyeth where I graunt the reuerſion of my tenant for terme of life by fine in the kings court, and the tenant will not attorn, then the grantee ſhal haue this writ for to compell him to attorne. But a writ of Quem redditum reddit lyeth where I grāt by fine a rent charge, or an other rent which is not rent ſeruice which my tenant holdeth of mee, & the tenant will not attourne, then the grantee ſhal haue this writ. And a writ of Per quæ ſeruitia lyeth in like caſe for rent ſeruice.

Alſo if I graunt foure diuers rents to one man, and the tenant of the land attorneth to the grauntee by payment of a peny, or of an haiſe peny in the name of attornement of all the rents, this attornmēt ſhal

Quid iuris clamat.

QVid iuris clamat, eſt vn briefe, & giſt lou ieo graunt le reuerſion de mō tenant a terme de vie per fine en Court le roy, & le tenaunt ne voit attourner, donques le grauntee auera ceſt briefe pur luy chaſer pur attourner. Mes briefe de Quem redditum reddit giſt lou ieo graunt per fine vn rent charge, ou auter rent que neſt rent ſeruice quel mon tenaunt tient de moy, & le tenant ne voit attorner, donques le grantee auera ceſt briefe. Et briefe de Per quæ ſeruitia giſt en ſemble caſe pur rēt ſeruice.

Auxy ſi ieo graunt iiij. diuers rents a vn home, & le tenaunt de terre attourna al grauntee per payment de vn denier, ou vn male en noſme de attornement de touts ceux rents, ceſt attornément luy

mittera en ſeiſin de tout ceſt rent. Mes ceux trois briefes couient eſtre port vers cux que ſont tenants ieour del note leuie, & vers nul autcrs.

put him in ſeiſin of all the rent. But theſe iij. writs ought to bee brought againſt thoſe which are tenants at ỹ day of the note leuied, & againſt no other.

371 Quinziſme.

QVinziſme, eſt vn payment graunt en Parliament al Roy per les layes gentes, ceſtaſcauoir, le quinziſme part de lour biens: Et fuit vſe en auncient temps deſte leuie ſur lour auers eſteants en lour terres, que choſe fuit mult troublous, & pur ceo a ore pur le plus part, ceſt voy eſt alter, & ils vſe de leuie ceo per les Verges, ou Acre, ou auter meaſure de terre. Per reaſon de que il eſt a ore meins troublous, & plus certaine que deuaunt il fuit. Et cheſcun Ville & Pays ſcient quel ſumme eſt deſte paie perenter eux, & coment ceo ſerra raiſe. Nous legimus que Moyſes fuit le primer que number le people, car il number les Iſraelites, & pur ceo le primer Taxe,

Fifteene.

FIfteene, is a payment graunted in Parliament to the King by the Temporaltie, namely, the Fifteenth part of their goods: And it was vſed in auncient time to be leuied vpon their Cattell going in their groundes, which thing was verie troubleſome, and therefore now for the moſt part, that way is altered, and they vſe to leuie the ſame by the Parde, or Acre, or other meaſure of lande. By meanes whereof it is now leſſe troubleſome, & more certain then before it was. And euery Towne and Countrey doe know what ſumme is to be paid among them, and how the ſame ſhall bee raiſed. Wee read that Moyſes was the firſt that did number the people, for hee numbred the Iſraelites, and therefore the firſt Taxe,

ſubſidi

ſubſidie, tribute, or fifteene was inuented by him amõg ſ Hebrewes, as Polidore Virgil doth thinke.

372 Quod ei deforceat.

QVod ei deforceat, is a writ, & it lyeth where the tenaunt in the Taile, tenaunt in Dower, or tenant for terme of life, leeseth by default in any action, then hee that leeseth shal haue this writ against him that recouereth, or against his heire if he think that hee hath better right then he which recouered. See the ſtatute Weſt. 2. cap. 4.

373 Quod permittat.

QVod permittat, is a writ, & it lyeth where a man is diſſeiſed of his common of paſture, and the diſſeiſour alieneth or dyeth ſeiſed, and his heire entreth, then if the diſſeiſee dye, his heire ſhall haue this writ.

374 Quo iure.

QVo iure, is a writ, and it lyeth where a man hath had common of paſture in an other ſeuerall of late within the time of memorie, then hee to whõ

ſubſidie, tribute, ou quinziſme ſuit inuent p luy enter les Hebrewes, come Polidore Virgil ſuppoſe.

Quod ei deforceat.

QVod ei deforceat, eſt vn briefe, & giſt lou tenant en le Taile, tenant en Dower, ou tenaunt a terme de vie perde per default en aſcun action, donques ceſtuy que perde auera ceſt briefe vers celuy que recouera, ou vers ſon heire, ſi il entende que il auoit meliour droit que il que recouera. Vide le ſtatute Weſtminſter 2. cap. 4.

Quod permittat.

QVod permittat, eſt vn briefe, & giſt lou home eſt diſſeiſie de ſon common de paſture, & le diſſeiſour alien ou deuie ſeiſie, & ſon heire entra, donques ſi le diſſeiſee deuie, ſon heire auera ceſt briefe.

Quo iure.

QVo iure, eſt vn briefe, & giſt lou home ad eve common de paſture en auter ſeueral de darrein tẽps deins le tempꝰ de memorie, donques celuy a que

appertient le ſeueral auera ceſt brieſe, & il ſerra charge de monſtre per quel title il claime le common.

375 Quo minus.

QVo minus, eſt va brieſe & giſt lou vn home ad graunta a vn auter houſebote & heibote en ſon bois a prender cheſcun an, & celuy que feſoit le graunt fait tiel waſt & deſtruction que le grauntee ne poit auer ſon reaſonable eſtouers, donques le grauntee auera le auaunt dit brieſe, & eſt ẽ nature de brieſe de waſt.

Et nota, que houſebote eſt appel certaine eſtouers pur amender la meaſon Et heybote eſt certaine eſtouers pur amender heys & hedges.

Et eſt auter brieſe appel Quo minus, en le Eſchequer, quel aſcun fermour ou dettour al Roy auera vers aſcun auter, pur dette ou treſpaſſe, en le Exchequer en le office appelle le Common plees, per que le plaintife ſurmettera, que pur le tort, que le defendant fait

belongeth the ſeueral ſhall haue this writ, and he ſhal bee charged to ſhewe by what title he claimeth the common.

Quo minus.

QVo minus, is a writ, & it lyeth where a man hath graunted to an other houſebote & heybote in his wood to take euery peare, & he that made the graunt maketh ſuch waſt and deſtruction that the graũtee cannot haue his reaſonable eſtouers, then the grãtee ſhall haue the foreſaid writ, and it is in nature of a writ of waſt.

And note, that houſebote is called certain eſtouers to mende the houſe. And heybote is certaine eſtouers to mende heys and hedges.

And there is an other writ called a Quo minus, in the Exchequer, which any fermor or dettor to the King ſhall haue againſt any other, for debt or treſpas, in the Exchequer in the office called the cõmon plees, by which the pl ſhal ſurmiſe, that for the wrong, which the defendant doth

to

to him, hee is lesse able to pay the King his debt or terme, which is surmised to giue Iurisdictiō to the Court of Exchequer, to heare & determine ꝑ cause of the suit between them, which otherwise should be determined in another Court.

a luy, il est meines able a payer le Roy son debt ou ferm, quel est surmise a doner Iurisdiction al Court Dexchequer, doyer & terminer la cause del suit enter eux, quel autrement serroit determine en auter Court.

376 Quo warranto.

QVo warranto is a writ, and it lieth where a mā vsurpeth to haue any frāchise vpon the king, then the king shall haue this writ, to make him to come before his Iustices, for to shew by what title he clai-meth such franchise.

Quo warranto.

QVo warranto est vn brē, & gist lou home vsurpe dauer ascū franchise sur le Roy, donques le Roy auera cest briefe, de faire luy ven deuaunt ses Iustices, pur monstre per quel title il claime tiel franchise.

R

377 Rationabilibus diuisis.

RAtionabilibus diuisis is a writ, and lyeth where there are two Lordships in diuers Townes, and one nigh the other, and any parcell of one lordship, or of waste, hath beene incrocht by little parcels, the the same lord from whom the parcel of ground or of waste hath bin encroched,

R

Rationabilibus diuisis.

RAtionabilibus diuisis est vn briefe, & gist lou sount deux Seigniouries en diuers villes, & vn pres le auter, & ascun parcel de vn Seignory ou de waste ad este encroche per petits parcels, & donques celuy Seignioux de que le parcel de terre, ou le waste ad este encroche

auera ceſt bꝛe enꝰs le Sſir que ad iſſint encroche.

shall haue this Writ a-gainſt the Lord that hath ſo encroched.

378 Rebutter.

REbutter, eſt quant vn p̄ fait on fine grāt de garranter aſcun terre ou hereditament a vn auter, & ceſtuy que fiſt le garranty, ou ſon heire ſua celuy a q̄ le garranty eſt fait ou ſon heyre, ou aſſignee, ſi celuy que eſt iſſint ſue, plede encounter ceſtuy que ſua le dyt fayt ou fine oue garranty, & demaunde iudgement ſi encounter ceſt garranty le plaintife ſerra reſceiue a demaunder le choſe que il doit garranter, encounter cel garranty per le fayt ou fine auant diſt compernant tiel garranty, tiel pleder del garranty eſt appel vn Rebutter.

Rebutter.

REbutter, is whē one by deed or fine graunteth to warrant any land or hereditamēt to another, ahe which made the warrantie, or his heire ſue him to whom the warranty is made, or his heir, or aſſignee for the ſame thing: now if he which is ſo ſued, pledeth againſt him which ſueth the ſaid deede or fine with warranty, and demaunde iudgement if the plaintife ſhall bee receiued to demād the thing which hee ought to warrant, againſt that warranty by the deed or fine afore ſaid compꝛehending ſuch warranty, ſuch pleading of the warrantie is called a Rebutter.

379 Rediſſeiſin.

REdiſſeiſin, Vide de ceo deuant en le title Aſſiſe.

Rediſſeiſin.

REdiſſeiſin, Looke of that before in the title Aſſiſe.

380 Regrator.

REgrator, eſt celuy que ad blees, victuals, ou auters choſes ſufficient

Regrator.

REgrator, is he that hath corne, victuals, or other thinges ſufficient for

for his owne neceſſarie need, occupation, or ſpending, and doth neuertheleſſe ingroſſe and buy vp into his hands more corn, victuals, or other ſuch things, to the intent to ſell the ſame againe at a higher deerer price, in faires, markets, or ſuch like places wherof ſee the ſtatute 5. E. 6 ca. 14. for hee ſhalbe puniſhed as a Foreſtaler.

pur ſon neceſſary oeps, occupation, ou expences, & nient obſtant engroſſe, & achate en ſes maines plus blees, victuals, ou autres tielx choſes, al entent de vẽder ceo arrere al vn plus hault & chare price, en Faires, Markets, ou tiels ſẽblables lieux: de que vide leſtatute 5. E. 6. cap. 14. car il ſerra puny cõe Foreſtaller.

381 Reioynder.

REioynder, is when the defendant maketh anſwere to the replication of the plaintife.

And euery Reioynder ought to haue theſe two properties ſpecially, that is to ſay, it ought to bee a ſufficient anſwere to the replication, and alſo to follow and enforce the matter of the barre.

Reioinder.

REioynder, eſt quãt le defendant fait reſpons al replicatiõ del plaintife.

Et cheſcun Reioynder doyt auer ceux deux properties ſpecialment, ceſtaſcauoir, il doit eſtre vn ſufficient reſpons al replicatiõ, & auxy de ſubſequer & enforcer le matt̃ del barr̃.

382 Relation.

RElation, is a terme in law, where, in conſideration of law, two times, or other things, are conſidered ſo, as if they were at one, and by this the thing ſubſequent is ſaid to take his effect, by relation,

Relation.

RElation, eſt vn terme en ley, lou, en conſidetation del ley, deux temps, ou autres choſes, ſont conſideres tielm̃t, come ſi fueront tout vn, & per ceo le choſe ſubſequent eſt dit de prẽdt̃ ſon force, p relation al

al temps precedēt: Si come vn deliuer vn eſcript al vn deſtre deliuer al auter cōm fait ceſtuy que ceo deliuer, quant lauter, a que ſerroyt deliuer, ad pay aſcun ſumm de money, ore, quāt le money eſt pay, & leſcript deliuer, ceo ſerra repute cōe fait ceſtuy que ceo deliuera, al temps quant fuit primes deliuer. Et iſſint petitions de parliament, as queux le Roy aſſent al darrein iour del parliament, aueront relation, & prendrōt lour force del primer iour del commencemēt del parliament. Et iſſint eſt de diuers auters choſes ſemblables.

at the time preceding: As if one deliuer a writing to one to bee deliuered to another, as the deede of him who deliuered it, whē the other, to whom it ſhould bee deliuered, hath paide a ſumme of money: Now, when the money is paide, & ꝑ writing deliuered, this ſhalbe taken as the deede of him who deliuered it, at the time when it was firſt deliuered. And ſo petitiōs of parliamēt, to which the King aſſents on ꝑ laſt day of parliament, ſhal relate & bee of force from the firſt day of the beginning of the parliament. And ſo is it of diuers other like things.

383 Releaſe.

REleaſe, eſt le doñ ou diſcharge del droyt ou action que aſcū eit ou claim enuers auter, ou ſon terre.

Releaſe.

REleaſe, is the giuing or diſcharging of the right or action which any hath or claimeth againſt another, or his land.

Et le releaſe de droit eſt cōmunemēt fait quant vn feſoit vn fait avn auter per ceux ou tielx parolx, Remiſiſſe, relaxaſſe, & omnino pro me & hæred meis quietū clamaſſe A. B. totū ius meum quod habui, ha-

And the releaſe of right is cōmōly made whē one maketh a deed to an other by theſe or like words, remiſed, releaſed, & vtterly for mee & my heires quite claimed to A. B. all my right that I haue, or by any

any means may haue here after in one meluage &c. But these wordes (whatsoeuer I may haue hereafter) bee void: For if the father be disseised, and the sonne release by his deede of release sypthout warrantie all his right, by those wordes (whatsoeuer I may haue hereafter &c.) & the father dieth, the son may lawfully enter in the possession of the disseisor.

Also in a release of right it is needefull that hee to whom the release shall bee made, haue a freehold, or a possession in the lands in deed or lawe, or a reuersion, at the time of ẽ release made, for if hee haue nothing in the land at ẽ time of the release made, the release shal not bee to him auailable. See more hereof in Litt. lib. 3. cap. 8.

384 Reliefe.

RElief, is sometimes a certaine summe of money that the heire shal pay to the Lord of whõ those lands are holden, which after the decease of his ancestour are to him discended as next heire, Domes-

beo, seu quouismodo in futurum habere potero in vno meluagio &c. Mes ceux parolx (quouismodo habere potero) sont voids: Car si le pere soit disseisie, & le fits release per son fait de releas sans garrantie de tout son droit, per ceux parolx (quouismodo in futurum habere potero &c.) & le pere moruſt, le fits poit loyalmẽt enter sur le possession le disseisor.

Auxy en vn release de droit il couient que il a que release terra fait, ad vn franktenement, ou vn possession en les terres en faite ou en ley, ou vn reuersion al temps de le release fait, car sil nad riens en le terre al temps de release fait, le release ne serra a luy auailable. Vide plus de ceo Littleton lib. 3. cap. 8.

Reliefe.

RElief, est ascun foits vn certaine summe de money que le heire payera al Seignior de que ceux terres sont tenus, queux apres le decease de son auncestour sont a luy discende come procheine heire, Ascun

cun foits il eſt le payment dun auter choſe, & nemy money: Et pur ceo reliefe neſt certaine, & ſemblable pur toutes tenures, mes cheſcun ſundry tenure ad (pur le plus part) ſon ſpecial Reliefe certaine en luy meſme. Neque eſt ceo deſtre paie toutes foits al vn certaine age, mes il varie en ceo auxy accordant al tenure. Come ſi le tenāt ad terres tenus per ſeruice de chiualer (forſpris graūd Serieantie) & moruſt, ſon heire eſteant de plein age, & tient ſes terres per le ſeruice dun entier fee de chiualer, le Seigniour de que ceux terres ſont iſſint tenus, auera del heire C.s. nomine Releuij, & ſi il tient per meins q̄ vn fee de chiualer, il paiera meins, & ſi plus, donques plus, ayant reſpect toutes foits al rate pur cheſcun fee de chiualer vn cent ſouz. Et ſi tient per graund Serieantie (que eſt touts foits del Roy, & eſt auxy ſeruice de chiualer) donques le Reliefe ſerra le value del terre per an, preter toutes charges iſſuant

times it is the payment of an other thing, & not money: And therefore reliefe is not certaine, and alike for all tenures, but euery ſūdry tenure hath (for the moſt part) his ſpecial Relife certain in it ſelf. Nether is it to bee paide alwayes at a certaine age, but varieth therin alſo according to the tenure. As if the tenaunt hath lands holden by Knightes ſeruice (except graund Serieantie) and die, his heire beeing at ful age, and held his lands by the ſeruice of a whole knights fee, the lord of whom theſe lands are ſo holden, ſhall haue of the heire C.S. in the name of the Reliefe, & if hee held by leſſe then a knights fee, he ſhal pay leſſe, & if more, then more, hauing reſpect alwayes to the rate for euery knights fee an hundred ſhillings. And if hee held by graund Serieantie (which is alwayes of the King, and is alſo knights ſeruice) then the reliefe ſhal be the value of the land by the yeare, beſides all charges iſſuing

out

nt of the same. And if the landes bee holden in petit Sergeantie, or in socage, then for the reliefe the heir shall pay at one time, as much as hee ought to pay yearely for his service, which is commonly called the doubling of the rent.

And if a man hold of the King in chiefe, & of other Lordes, the King shall haue the warde of all the lands, & the heire shall pay reliefe to all the Lordes at his full age: but the Lordes shall sue to the king by petition. and shall haue the rent for the time that the Infant was in ward.

And note, that alwaies when the Relief is due, it must be paid at one whole payment, & not by parts, although that the rent bee to bee paid at seuerall feasts.

358 Remainders.

REmainder of land is the land that shall remaine after the particuler estate determined: As if one graunt land for terme of yeres, or for life, the remainder to I. S. that is to say,

hors de ceo. Et si le terre soit tenus en petit Seriearantie, ou en Socage, donques pur le reliefe le heire payera al vn foites taunt que il doit payera annuelment pur son seruice, quel est communement appelle le doubling del rent.

Auxy si home tient de le Roy en chiefe, & des autres Seigniours, le Roy auera le garde de touts les terres, & le heire payera Reliefe a touts les Seigniours a sō pleine age, mes les Seigniours suera al Roy per Petition, & aueront le rent pur le temps que le Enfant fuit en garde.

Et nota, que touts foites quant le Reliefe est due, il doit este paie al vn entier payment, & nemy per parts, nient obstant que le rent soit deste pay al seueral feastes.

Remainders.

REmainder de terre est le terre que remainera apres le particuler estate determine: Come si vn graunt terre pur terme de ans, ou pur vie, le remainder al I. S. scest adire, que

que quant le leaſe pur ans eſt determine, ou le leſſee pur vie eſt mort, que donques le terre remainera, ſerra, ou abide, oue, al, ou en I.S. Vide Reuerſion.

386 Remitter.

REmitter, eſt quaunt vn home ad deux titles a aſcun terre, & il vient al terre per le darreine title, vncore il ſerra adiudge eins per force de ſon pluis eigne title, & ceo ſerra dit a luy vn remitter: Come ſi tenant en le taile diſcontinua le taile, & puis diſſeiſe ſon diſcontinuee & moruſt ent ſeiſie, & les terres diſcendont a ſon iſſue ou coſin enheritable per force del taile, en ceo caſe il eſt en ſon Remitter, ceſt aſcauoir, ſeiſie per force del taile, & le title del diſcontinuee eſt ouſterment anient & defeate, Et le reaſon & cauſe de tiel remitter eſt, pur c' que tiel heire eſt tenant del terre, & neſt aſcun perſon tenaunt vers que il poit ſuer ſon briefe de Formedone pur recouer le eſtate taile, car il ne puit auer action vers luy meſme.

that when ꝑ leas for yeres is determined, or leſſee for life is dead, that then the land ſhal remaine, ſhal be, or abide, with, to, or in I. S. See Reuerſion.

Remitter.

REmitter, is when a man hath two titles to any land, & he commeth to the land by the laſt title, yet he ſhall be iudged in by force of his elder title, and that ſhall bee ſaid to him a Remitter: As if the tenant in the taile diſcontinue the taile, & after diſſeiſeth his diſcontinuee & dieth therof ſeiſed, & the landes diſcendeth to his iſſue or coſin inheritable by force of the taile, in that caſe he is in his Remitter, that is to ſay, ſeiſed by force of the taile, & the title of the diſcontinuee is vtterly annulled & defeated, and the reaſon & cauſe of ſuch remitter is, for that ꝑ ſuch an heir is tenãt of the lãd, & there is no perſon tenãt againſt whom he may ſue his writ of Formedon for to recouer the eſtate taile, for he may not haue an action againſt himſelfe.

Alſo

Also if tenant in the tail infeoffe his sonne or heyre apparant in the tail which is within age, & after dieth, that is a remitter to ꝑ heire: But if he were of full age at the time of such feoffement, it is no remitter, for that ꝑ it was his folly, that hee being of full age, would take such a feoffement.

Also if the husband alienands that hee hath in the right of his wife, and after take an estate again to him and to his wife for terme of their lives, that is a Remitter to the woman, for that that this alienation is the act of the husband, & not of the woman, for no folly may bee adiudged in the woman during the life of her husbād: But if such alienation be by fine in court of record such a taking againe afterward to ꝑ husband & wife for term of their lives shall not make ꝑ womā to be in her remitter, for that in such a fine the woman shall bee examined by the Judge, & such examination in fines shall exclude

Auxy si tenaunt en le tayle enfeoffa son fits ou heire apparant en le taile q̄ est deins age, & puis deuie, ceo est vn remitter al hr̄: Mes si il fuit de pleine age al temps de tiel feoffemēt, il nest Remitter, pur ceo que il fuit son folly, que il esteant de pleine age, voyle prender tiel feoffement.

Auxy si le baron alien ẽre que il ad en le droyt son feme, & puis repris estate a luy & a son feme pur terme de lour vies, ceo est vn Remitter al feme, pur ceo que cest alienation est le act le baron, & nemy lact de la feme, car nul folly poit este adiudge en feme durant le vie le baron: Mes si tyel alienation soyt per fine en Court de record, tiel repriſel apres al baron & feme pur terme de lour vies, ne ferra la feme destre en sa Remitter, pur ceo que en tyel fine la feme ſerra examine per le ludge, & tyelx examinations en Fines excluderont

tielx

tiels femes a touts iours.

Auxy quant le entre de aſcun home eſt congeable, & il priſt eſtate a luy quãt il eſt de plein age, ſi ne ſoit per fait endeate, ou matter de record, que luy eſtoppera, ceo ſerra a luy bon Remitter.

387 Rents.

REnts ſont en diuers maners, ceſtaſcauoir, Rent ſeruice, Rent charge, & Rent ſecke.

Rent ſeruice, eſt lou le tenant en fee ſimple tient ſa terre de ſon Sñr per fealtie & certaine rent, ou per auter ſeruice & rent, & donqs ſi le rent de le tenãt ſoyt arere, le Sñr poit diſtraine pur le rent: Mes pur ceo il iammais nauera action de debt.

Auxy ſi ieo done terres en le taile a vn home payant a moy certain rent, ore tiel rent eſt rent ſeruice: Mes en tiel caſe il couient que le reuerſion ſoyt en le donor, Car ſi home fait feoffement en fee, ou vn done en tayle, le remainder ouſter en fee ſauns fait, reſeruant a luy vn rent, tiel reſeruation eſt voyde,

ſuch women for euer.

Alſo when the entre of any mã is lawful, & he taketh an eſtat to him when he is of ful age, if it be not by deed indeted, or matter of record, which ſhal eſtop him, that ſhall be to him a good Remitter.

Rents.

REnts bee in diuers maners, that is, Rent ſeruice, Rent charge, & rent ſecke.

Rent ſeruice, is where the tenaunt in fee ſimple holdeth his lande of his Lord by fealtie & certaine rent, or by other ſeruice & rent, and then if the rẽt of the tenant bee behind, the Lord may diſtrain for the rent: But for that he ſhall not haue an action of debt.

Alſo if I giue land in tayle to a man paying to me certaine rent, then ſuch rent is rent ſeruice: But in ſuch caſe it behoueth that the reuerſion bee in ẽ donor: For if a man made a feoffemẽt in fee, or a gift in tail, the remainder ouer in fee without deed, reſeruing to him a certain rent, ſuch reſeruation is voyde,

and

nd that is by the ſtatute Quia emptores terrarum, and then hee ſhall hold of the Lord of whom his donour held.

But if a man by deede indented at this day make ſuch gift in taile, the remainder ouer in fee, or leaſe for terme of life, the remainder ouer, or a feffement, & by the ſame indenture reſerue to him rent, & that if the rent be behind, that well it is lawfull to him to diſtraine, then ſuch rent is rent charge.

But in ſuch caſe, if there bee not any ſuch clauſe of diſtreſſe in ꝑ deed, thē ſuch rēt is called rēt ſeck, & for ſuch rēt ſeck he ſhal neuer diſtraine, but if hee were once ſeiſed, hee ſhall haue aſſiſe, & if he were not ſeiſed, he is without remedy.

And if one graunt a rent going out of his land with clauſe of diſtres, that is rent charge, and if the rent be behind, the graunter may chuſe to diſtraine or ſue a writ of Annuitie, but hee cannot haue both, for if hee bring a writ of Annuitie, then the land is

& ceo eſt per force del ſtatute Quia emptores terrarum, & donques il tiendra de le Seignior de que ſen donour tenoit.

Mes ſi home per fait indent a cel iour fait tiel done en le taile, le remainder ouſter en fee, ou leſſa pur terme de vie le remainder ouſter, ou vn feoffement, & per meſme lendenture reſerua a luy vn rent, & que ſi le rent ſoyt arrere, q̄ bien lirroit a luy a diſtrainer, ore tiel rent eſt rent charge.

Mes en tiel caſe, ſi la ne ſoyt aſcun tiel clauſe de diſtreſſe en le fait, donques tiel rent eſt appel rēt ſeck, & pur tiel rent ſeck, il ne iammais diſtrainera, mes ſi fuit vn foits ſeiſi, il auera Aſſiſe, & ſi il iammais ne fuit ſeiſi, eſt ſans remedy.

Auxy ſi vn graunt vn rent iſſuant hors de ſa terre oue clauſe de diſtreſſe, ceſt vn rent charge, & ſi le rent ſoit arrere, le graūtee poyt eſlier de diſtrainer ou ſuer vn briefe Dannuitie, mes il ne poyt auer ambideux, car ſil port briefe de Annuity, donq̄s le terre eſt

discharge. Et si il distraine & auowe le prisell en Court de recorde, donques le terre est charge, & le person del graunton discharge.

Auxy si vn grant vn rēt charge, & le grauntee purchase le moitie, ou ascun auter part ou parcel de le terre, de quelque petit value que il soyt, donques tout le rent est extinct.

Mes en rent seruice si le Seigniour purchase parcel del terre, donques le rent serra apporcion.

Mes si vn ad vn rent charge, & son pere purchase parcel del terre, & cel parcel discende a le fits que ad le rent charge, ore cel rent serra apporcion solonque le value del terre, come est dit de rent seruice, pur ceo que le fits ne vient a ceo per son act demesne, mes per discent.

Auxy si ieo face vn lease pur terme dans reseruant a moy vn certaine rent cest appel vn rent seruice, & pur ceo il est a mon libertie a distrainer pur le rent, ou auer vn action de

discharged. And if hee distraine and auowe the taking in the Court of Record, then the land is charged, and the person of the grantor discharged.

Also if one grant a rent charge. and the grauntee purchaseth halfe, or any other part or parcell of the land, of whatsoeuer small value it be, then al the rēt is extinct.

But in rent service if the Lord purchase parcel of the land, then the rent shall be appoyctioned.

But if one hath a rent charge, & his father purchase parcell of the land, and that parcel discendeth to the sonne which hath the rent charge, then the rent shal be appoyctioned according to the value of the land, as it is said of rent service, for that that is commeth to that not by his owne act, but by discent.

Also if I make a lease for terme of yeares reserving to me a certaine rent that is called a rent service, & for that it is at my libertie to distraine for the rēt, or to haue an action of debt,

Note the Doctrine of rent charge

debt, but if the lease be determined, and the rent bee behind, then I cannot distraine, but shall be put to my action of debt.

And note well, that if the Lord bee seised of the service & rent before said, and they be behind, and hee distrain, and the tenant reseweth the distresse, hee may haue Assise, or a writ of rescous, but it is more necessary for him to haue assise, then a writ of rescous, for that by assise he shal recouer his rent & his dammages, but by a writ of rescous he shal not recouer but damages, & the thing distrained shal be repriseed.

And note well, that if the Lord bee not seised of the rent and service, and they be behind, and he distraine for them, and the tenaunt take againe the distres, he shall not haue Assise, but a writ of Rescous, and the Lord shal not need to shewe his right.

And note well, that if the Lord may not finde a distres by two yeare, hee shal haue against the tenant a writ of Cessauit per bien-

det, mes si le lease soit determine, & le rent soit arere, donques ieo ne puisse distraine, mes serra mis a mon action de Dette.

Et nota, que si le Seigniour soit leisie des seruices & rent auantdits, & ils soient aderere, & il distraine, & le tenant rescue le distresse, il poit auer Assise, ou briefe de Rescous. Mes il est plus necessarie pur luy de auer Assise, que briefe de Rescous, pur tant que per Assise il recouera son rent & ses dammages, mes per cest briefe de Rescous il ne recouera mes damages, & le chose distraine serra repriseé.

Et nota, que si le Seigniour ne soit my seisie del rent & seruice, & ils sont aderere, & il distraine pur eux, & le tenant reprent le distresse, il ne poit my auer Assise, mes briefe de Rescous, & ne couient my al Seigniour de monstre son droit.

Et nota que si le Seigniour ne poit my trouer distresse per deux ans, il auera vers le tenant briefe de Cessauit per bien-

nium, vt patet per lestatute de Westminster 2. cap. 21. Et si le tenaunt deuie en le meane temps, & son issue enter, le Seignior auera vers le issue briefe de Entre sur Cessauit, ou si le tenaunt alien, le Seignior auera vers le alienee le auandit briefe. Mes si le Seignior ad issue & deuie, & le tenaunt soit en arrerages del dit rent & seruices en le temps le pere del issue, & nemy en le temps del issue, il ne poit my distraine pur arrerages en temps son pier, & nauera ascun auter recouerie vers le tenaunt ou ascun auter, pur ceo que tiel aduauntage est done per le ley al tenaunt. Et nota, que rent seruice est ceo a quel appent fealtie, mes a rent charge & rent secke ne appent pas fealtie, mes il appent a rent seruice de common droit.

Et nota, si home distraine pur rent charge, & le distresse soit rescue de luy, & il ne suit my seisie adeuaunt, il ne ad my recouerie forsque per

nium, as it appeareth by the statute of Westm. 2. cap. 21. And if the tenaunt die in the meane time, and his issue enter, the Lord shall haue against ꝑ issue a writ of Entre vpō Cessauit, or if the tenant alien, the lord shal haue against ꝑ alienee the foresaid writ. But if the Lord haue issue & die, and the tenant be in arrerages of the said rent and seruice in the time of the father of the issue, and not in the time of the issue, he may not distraine for the arrerages in ꝑ time of his father, and hee shall haue none other recouerie against the tenāt or any other, for that that such aduantage is giuē by ꝑ law to ꝑ tenāt. And note well that rent seruice is that the which belongeth fealty, but to rēt charge & rent secke belongeth not fealty but it belongeth to rent seruice of common right.

And note, that if a man distrain for rent charge, the distres be takē against his will from him, and he was neuer seised before, he hath no recouerie but by

writ of Reſcous, for the others firſt taken giueth not to him ſeiſin, only if he hap the rent before, for if he were ſeiſed of the rent before, and after the rent be behind, & hee diſtraine, & reſcous to him be made, he ſhall haue Aſſiſe, or a writ of Reſcous.

And note well, that in euery aſſiſe of rent charge and annuell rent, or in a writ of Annuitie, it behoueth to him that bringeth the writ, to ſhew forth an eſpecialtie, or elſe hee ſhall not maintaine the Aſſiſe. But in an Aſſiſe of Mortdaunceſter, or Formedone in the diſcender, or other writs (in the which title is giuen or compryſed) bought of rent charge, or annual rent, it needeth not to ſhew the eſpecialty.

And note wel, that if a man graunt a rent charge to an other, & the graūtee releas to the grantor parcell of the rent, yet all the rent is not extinct.

And note well, that if rent charge be granted to two ioyntly, and the one releaſe, yet the other ſhall

briefe de Reſcous, car le diſtreſſe primerment fait ne don a luy ſeiſin, forſque ſil happe le rent adeuant, car ſil fuit ſeiſie del rent adeuant, & puis le rent ſoit aderere, & il diſtraine, & reſcous a luy ſoit fait, il auera Aſſiſe, ou briefe de Reſcous.

Et nota, que en cheſcun aſſiſe de rent charge & annual rent, ou en vn bꝛe de Annuitie, couient a celuy que port le briefe, de monſtre auant vn eſpecialtie, ou auterment il ne maīteinera le Aſſiſe. Mes en Aſſiſe de Mortdaunceſtor, ou Formedon en le diſcender, & auters briefes (en les queux title eſt done ou compriſe) port de rent charge, ou de annual rent, neſt my beſoigne de monſtre eſpecialtie.

Et nota bien, que ſi hōe grant rent charge a vn auter, & le grauntee releſſa al grantor parcel de le rent, vncore tout le rent neſtextinct.

Et nota bien, que ſi rent charge ſoit graunt a deux iointment, & le vn releſſa, vncore le auter

auera le moitie del rent. Et auxy si lun purchase le moitie de le terre dont le rent estissuant, lauter auera le moitie del rent de son compaignion: Et si le disseisour charge la terre a vn estrange, & le disseisee port le Assise & recouer, le charge est defaite. Mes si celuy que ad droit, charge la terre, & vn estraunge faine vn faux action enuers luy que nad droyt, & recouer per default, le charge demurra.

Et nota bien, que en case que purpartie soit perenter deux parceners, & pluis terre soit allotte a lun que a lauter, & el que ad pluis del terre, charge sa terre al auter, & el happe le rent, el maintaynera Assise sans especialtie.

Et est vn rent secke, lou home tyent de moy per homage, fealtie, & auter seruices, rendant a moy vn certaine rent per an, & ieo grant cest rent a vn auter, reseruant a moy les seruices.

Et nota bien, que si rent

haue the halfe of the rent; And also if the one purchase the halfe of the lande whereof the rent is going out, the other shal haue the halfe of the rent of his cõpanion: and if the disseisor charge the land to a stranger, and the disseisee bring an Assise and recouer, the charge is defeated. But if hee that hath right, chargeth the land, & a stranger faine a false action against him which hath no right, and recouereth by default, the charge abideth.

And note well, that in case that partition bee betweene two Parceners, & more land bee allowed to one then to the other, & she that hath most of the land, chargeth her land to the other, & she happeneth the rent, she shal maintain Assise without especialtie.

And it is a Rent secke, where a man holdeth of me by homage, fealtie, and other service, yeelding to mee a certaine rent by the yeare, and I graunt this rẽt to an other, reserving to mee the other services.

And note wel, that if rẽt

secke

ſecke be granted to a man & to his heires, and ỹ rent be behind, and the grantor die, the heire may not diſtraine nor ſhall recouer the arrerages of the time of his father, as it is before ſaid of rent ſeruice.

And in the ſame maner it is to ſay of rent charge or annuall rent: But in all theſe rents before ſaid the heire may haue for the arrerages in his owne time ſuch aduantage as his father had in his life. See the Stat. 32. H. 8. Cap. 37.

And note well, that in rēt ſeck, if a manbe not ſeiſed of ỹ rent, & it be behind, he is without recouery, for that that it was his owne folly at ỹ beginning when ỹ rent was grāted to him or reſerued, that he tooke not ſeiſin of ỹ rent, as a peny or two pence.

And note well that a man may not haue a Ceſſauit per biennium, or another writ of Entre ſur Ceſſauit for no rent ſecke behind by two yeares, but

ſecke ſoyt grant a vn home & a ſes heires, & le rent ſoit aderere, & le grantor deuy, le heire ne purra my diſtrainer, ne recouera les arrerages de temps ſon pere, ſi come eſt auauntdit de rent ſeruice.

Et en meſme le maner eſt adire de rent charge ou annual rent: Mes en touts les rents auantdits le heire purroit auer pur arrerages en ſon temps demeſne tiel aduantage come auoit ſon pere enſa vie. Vide Statutum 32. H. 8. cap. 37.

Et nota que en rent ſecke ſi home ne ſoit ſeiſie del rent, & il ſoit aderere, il eſt ſans recouery, pur ceo que il fuit ſon folly demeſn adeprimes quant le rent fuit grant a luy ou reſerue, que il ne priſt my ſeiſin del rent, ſicome vn denier ou deux.

Et nota que home ne poyt my auer Ceſſauit per biennium, ou vn auter briefe Dentre ſur Ceſſauit pur nul rent ſecke aderere per deux ans, mes

ils purront tantsolement ꝑ rent seruice, vt patet en le statute W.2.c.21.

Et nota que en rent seck il couient pur luy que sue pur le rent secke pur monstre fait al tenaunt, ou autrement le tenaunt ne serra my charge del rent, forsque lou le rent secke fuit rent seruice adcuaunt, come en cest case: Seigniour, mesne, & tenaunt, & chescun de eux tient de auter per homage & fealtie, & le tenaunt del mesne per x.s de rent, le Seigniour paramount purchase les terres ou tenementes del tenant, tout le Seigniory, del mesne, forsprise le rent est extinct: Et pur cest cause cest rent est deuenus rent secke, & le rent seruice change, car il ne poyt distraine pur cest rent, & en cest case celuy que demaunda le rent ne serra iammes charge de monstre fait.

Auxy en briefe de *Mordanceſter*, *Aile*, ou *Beſaile*, de rent secke, il ne besoign de monstre especialtie, pur ceo que ceux brieses only for rent seruice, as it appeareth in the Statute Wi.2.c.21.

And note well that in rent secke it behoueth him that sueth for the rent seck for to shewe a deede to the tenant, or els the tenaunt shall not be charged with the rent, but where the rent seck was rent seruice before, as in this case: Lord, mesne, and tenaunt, and euery of them holdeth of other by homage & fealtie, and the tenaunt of the mesne by x.s. of rent, the Lord paramount purchaseth the lands or tenemts of the tenant, all the seigniorie of the mesne but the rent is extinct: And for this cause this rent is become rent secke, and the rent seruice changed, for hee may not distraine for this rent, and in this case hee that demaundeth the rent shal neuer be charged to shew a deed.

Also in a writt of Mordanceſtor, Aile, or Besaile, of rent secke, it needeth not to shewe a especialtie for that these Writes

of

of poſſeſſion doe comprehend a title within themſelues, that is to ſay, that the auncеſtour was ſeiſed of the ſame rent, and continued his poſſeſſion, becauſe of which ſeiſin the Law ſuppoſeth that it is alſo auerrable by the contrey.

Yet learne, for ſome ſuppoſe that it behoueth of neceſſitie to ſhewe forth a deede, for that that rent ſeck is a thing againſt cõmon right, aſwell as rent charge.

But in Aſſiſe of Nouel diſſeiſin, and in a writ of Entre ſur diſſeiſin brought of rent ſeck, it behoueth of neceſſitie to ſhewe forth a deede, for that that rent ſecke is a thing againſt a common right, except in the caſe before ſaid, where it was rent ſeruice before, and by the act of law it is become a rent ſecke.

And aſſiſe of Nouel diſſeiſin, and a writ of Entre ſur diſſeiſin, contain within them no title, but ſuppoſe a diſſeiſin to bee done to the plaintife, and of the intendement of the Law,

de poſſeſſion comprehendont vn title deins eux meſmes, ceſtaſcauoir, que le auncеſtour fuit ſeiſi de meſme le rent, & continua ſon poſſeſſion, per cauſe de quel ſeiſin le ley ſuppoſe que eſt auxy auerrable per la pays.

Tamen quære, car aſcũs ſuppoſant que il couient a fine force a monſtre auant fait, pur ceo que rent ſeck eſt vn choſe enconter common droit, auxibien come rent charge.

Mes en Aſſiſe de Nouel diſſeiſin, & en briefe de Entre ſur diſſeiſin port de rent ſeck, il couient de fine force de monſtre auant fait, pur ceo que rent ſecke eſt vn choſe encounter common droit, ſi non en le caſe ſuiſdit, ou il fuit rent ſeruice adeuant, & per lact del ley eſt deuenus rent ſecke.

Et Aſſiſe de Nouel diſſeiſin, & briefe de Entre ſur diſſeiſin, ne conteigne deins eux nul title, mes ſuppoſant vn diſſeiſin deſte fait a le plaintife, & de entendement del ley,

le

le diſſeiſin ne done nul cauſe de auerrement encounter cõmon droit, mes de ſine force il monſtra auant eſpecialtie.

388. Repleuin,

REpleuin, eſt vn briefe, & giſt quaunt aſcun home diſtraine vn auter pur rent ou auter choſe, donques il auera ceſt brife al Vicount pur deliuer a luy le diſtreſſe, & trouera ſuertie de purſuer ſon action, & ſi il ne purſua, ou ſi ſoit troue & iudged encounter luy, donques ceſtuy que priſt le diſtres reauera le diſtreſſe, & ceſt appelle returne des auers, & il auera en tiel caſe briefe que eſt appelle Retorno habendo.

Auxy ſi ſoyt en aſcun fraunchiſe ou bayliwicke, le partie auera vn Repleuin del Vicount directal Baylife de meſme le franchiſe pur eux redeliuer, & il trouera ſuertie de purſuer ſon action al procheine Countie. Et ceſt Repleuin poet eſtre remoue hors del Countie en le Common banke per

the diſſeiſin gineth no cauſe of auerment againſt common right, but of neceſſity it behoueth to ſhew forth a deed,

Repleuin.

Repleuin, is a writ, and it lyeth where any man diſtrayneth an other for rent or other thing, then he ſhall haue this writ to the Sherife to deliuer to him the diſtres, and ſhall find ſuertie to purſue his action, and if he purſue it not, or if it be found or iudged againſt him, then he that tooke the diſtreſſe ſhall haue againe the diſtreſſe, & that is called the returne of the beaſts, and he ſhall haue in ſuch caſe a writ that is called Retorno habendo.

Alſo if it bee in anie franchiſe or bayliwick, the party ſhall haue a Repleuin of the Sherife directed to the Baylife of the ſame fraunchiſe for to deliuer them againe, & he ſhal find ſuertyto purſue his action at the next Countie. And this Repleuin may bee remoued out of the Countie vnto the cõmon place by a writ

wrzit of Recordare.

Look more of Repleuin in the title Distres.

Also a wrzit of Homine replegiando lieth where a man is in prison, & not by special cõmandemẽt of the king, nor of his justice, nor for the death of a man, nor for ỹ kings forrest, nor for such cause that is not repleuishable, then hee shall haue this wrzit directed to ỹ shirife, that he cause him to be repleuied: this wrzit is a Iusticies & not retournable, & if the Shirife doe it not, then there shall goe forth an other wrzit, Sicut alias, & afterward an other wrzit, Sicut pluries, vel causam nobis significes, which shal bee retournable, & if ỹ shirife yet make no repleuin, thẽ there shal go forth an Attachmẽt against the shirife, directed to the Coroners to attach the shirif, & to bring him before the Justices at a certain day, & furthermore, ỹ they make execution of the first wrzit.

389 Replication.

REplication, is when the defendant in any action maketh an answer, & ỹ pr

briefe de Recordare.

Vide plus de Repleuin deuant titulo Distres.

Auxy briefe de Homine replegiando gist lou vn home est en prison, & nemy per especial cõmandement le Roy, ne de ses lusticies, ne pur le mort de home, ne pur le foreſt le Roy, ne pur tiel cause que nest repleuisable, donques il auera cest briefe direct al vicont, que il luy faire este repleuie: Et cest briefe est vn Iusticies & nient retournable, & si le vicont ne ceo face, donques issera auter briefe, Sicut alias, & apres auter brẽ Sicut pluries, vel Causam nobis significes, que serra retournable, & si le Vicont vncore ne face repleuin, donques issera vn Attachment vers le Vicont, direct al Coroners dattacher le Vicont, & de luy amesner deuaunt les Iusticies a vn certaine iour, & ouster ceo que ils facent execution del primer briefe.

Replication.

REplication, est quant le defendãt en ascũ action fait respons, & le plaintife

fait

ſuit vn reſpons a ceo, ceo eſt appel le Replicatiõ del plaintife.

maketh an anſwer to that, that is called the Replication of the plaintife.

390 Repriſes.

REpriſes, ſont deductiõs, payments, & duties, que va annuelment, & ſont pay hors dun manour: Come rent charge, rent ſeck, penſions, corodies, annuities, fees de Seneſcha's, ou Baiſifes, & tiels ſembles.

Repriſes.

REpriſes, are deductions, payments, and duties, that go yearely, & are paid out of a manour: As rent charge, rent ſecke, penſions, corodies, annuities, fees of Stewards, or baylifes, and ſuch like.

391 Reſceit.

REſceit, eſt quaunt aſcun action eſt port vers tenant pur terme de vie, ou tenaunt a terme dans, & ceſtuy en la reuerſion viēt eins & pria deſtre reſceiue pur defende la terre, & pur pleder oueſque le demandant. Auxy quant il vient il couient que il ioit toutes foits priſt a pleder oue le demandant. En meſme le manner vn feme ſerra reſceiue pur default ſa baron en action port vers eux ambideux. Et auxy tenaunt pur auns ſerra reſceiue a defende ſon droit, ſou en vn action port vers tenant del franktenement il plede faintment.

Reſceit.

REſceit, is when any action is brought againſt the tenant for term of life, or tenāt for term of yeres, & he in the reuerſion commeth in and prayeth to be receiued for to defend the lande, & for to pleade with the demaundant. And when hee commeth it behoueth that hee bee alway ready to plede with the demaundant. In the ſame maner a wife ſhall bee receiued for the default of her huſband in an action brought againſt the both. And alſo tenant for yeres ſhall be receiued to defend his right, where in an action brought againſt the tenāt of the freehold hee pleadeth faintly.

392 Reſ-

392 Rescous.

REscous, is a writ, and it lyeth when any mã taketh a distresse, & an other taketh it again from him, & will not suffer him to carie the distresse with him, then hee doth to him Rescous, & vpon that hee may haue this writ, and shall recouer damages.

Also if one distraine beastes for damage fesant in his ground, & driueth them in the high way for to impound them, and in going they enter into the house of him whose they be, & hee withholdeth them there, and will not suffer the other to impoũd them, then that withholding is a Rescous.

393 Reseruation.

REseruation, is taken diuers wayes, and hath diuers natures, as sometimes by way of exceptiõ to keepe that which a mã had before in him: as if a lease bee made for yeres of ground, reseruing the great trees growing vpon the same, now the lessee may not medle with them, nor with any thing that

Rescous.

REscous, est vn briefe, & gist quant ascun home prent distresse, & vn auter repriſt le distresse de luy, & ne voile suffer luy de amesner le distres oue luy, donques il fait a luy Rescous, & sur ceo il poit auer cest briefe, & recouera a dammages.

Auxy si vn distrayne beasts pur dammage fet ãt en sa terre, & les enchaſea per le hault chimin p̃ eux enparker, & é alant ils entrent en le meaſon de celuy a que ils sont, & il eux detient la, & ne voile suffer lauter de eux enparker, donques ceo detainer est Rescous.

Reseruation.

REseruation, est prise diuers voyes, & ad diuers nãtures, come ascun foites per voy de exception de reserue ceo que vn home ad deuaunt en luy: Come si vn leaſe soit fait pur ans de terre reseruant les graund arbors cressant sur ceo, ore le lessee ne poit medle ouesque eux, ne ouesque ascun choſe que vient

vient per reaſon de eux, cy longe come il demurt en, ou ſur les arbors, come maſt de Oke, cheſtnut, pomes. ou tielx ſemblables: Mes ſils chient del arbors al terre, donques ils ſont en droit le leſſees, car le terre eſt leſſe a luy, & tout ſur ceo nient reſerue &c.

Aſcun foits vn reſeruation obtaineth & port hors vn auter choſe que ne fuit deuant: Come ſi vn home leſſa ſes terres reſeruant annualment pur ceo xx. li. &c. Et diuers auters tielx reſeruations y ſont.

Et nota que en ancient temps, lour reſeruations fueront cibien (ou pur le plus part) en victuals, ſoit ceo carne, piſhe, blees, pane, boyer, ou auterment, come en money, tanque al darreine, & eſpecialm̃t en le temps del Roy Henry le 1. per agreem̃t, le reſeruation de victuals fuit chãge en priſt money, come il ad tanque cy continue.

ſometh by reaſon of them, ſo long as it abideth in, or vpon the trees, as maſte of Oke, Cheſtnut, Appleo, or ſuch like: But if they fall from the trees to the ground, then they are in right the leſſees, for the ground is let to him, and all thereupon not reſerued &c.

Sometimes a reſeruation doth get & bring forth an other thing which was not before: As if a man leaſe his landes reſeruing yearely for the ſame xx. li. &c. And diuers other ſuch reſeruations there bee.

And note, that in auncient time, their reſeruations were alwai (or for the more part) in victuals, whether fleſh, fiſh corne, bread, drinke, or what elſe, as in money, vntill at the laſt, & that chiefely in the raigne of King H. 1. by agreement, the reſeruation of victuals was chaunged into ready mony, as it hath hitherto ſince continued.

Reſignation.

REſignation, eſt lou vn Incumbent dun Eſgliſe

Reſignation.

REſignation, is where an incumbẽt of a Church re-

reſigneth or leaueth to the Ordinary, which die admit him to it, or to his ſucceſſors, and that differeth from ſurrender, when by that he to whom the reſignation is made, hath no intereſt in the thing ſo reſigned, but hee to whom the ſurrender is made hath by that the thing it ſelfe by that ſurrender.

395 Retraxit.

REtraxit, is the preterperfectence of Retraho, compounded of Re and Traho, which make Retaho, to pull backe. And is when the partie plaintife or demãdãt commeth in proper perſon into the Court where his plee is, and ſaith that hee will not proceed any farther in the ſame &c. now this ſhal bee a barre to ỹ action for euer.

396 Reeue.

REeue is an Officer, but more knowen in auncient time then at this day: For almoſt euery manor had then a Reeue, and yet ſtill in many Copyhold manors (where the old cuſtom any thing preuaileth) the name & office

reſigne ou relinquiſh al Ordinarie, que luy ayt admit a eco, ou a ſes ſucceſſors, & ceo differt del ſurrender, quant per cel il a que le reſignation eſt faite nad aſcun intereſt en le choſe iſſint reſigne, mes ceſtuy a que ſurrender eſt faite auoit per ceo le choſe meſme per ceo ſurrender.

Retraxit.

REtraxit, eſt le preterperfectence de Retraho, compounde de Re & traho, que ſignifie Retraho, pur euulſer arrere. Et eſt quaunt le partie plaintife ou demaundant vient en proper perſon en le Court lou ſon ſuite eſt, & dit que il ne voit vlterius proſequi in placito illo &c. Ore ceo ſerra vn barre al action a touts iours.

Reeue.

REeue eſt vn Officer, mes plus conus en aunciens temps que a ceſt iour: Car cheſcun manour ad donques vn Reeue, & vncore en diuers Copyhold manours (ou le veyle cuſtome aſcun choſe preuaile) le noſme & office

neſt

neſt en tout oblie : Et eſt en effect ceo que a ore cheſcun Bailiſe dun manour practiſe, nient obſtant le noſme de Baylife ne fuit donques en vre enter nous, eſteant puis port eins per les Normans : Mes le noſme de Reeue auncientment appelle Gereue, quel particle (Ge) de continuance de temps fuit ouſterment omiſe & perde) vient del Saxon parol *Gerefa*, que ſignifie vn Ruler : Et iſſint verament ſon rule & authoritie fuit large deins le compaſſe del mannour ſon Seigniour, & enter ſes homes & tenants, ſibien en choſes de gouernement en peace & guerre, come en le skilfull vſe & trade de huſbandrie : Car ſicome il collect les rents del Seigniour, paie repriſes ou duties, iſſuant hors del mannour, appoint les ſeruants de worker, ſuccido & decoupe arbres pur repairer les edifices, & encloſures, oueſque diuers tiels ſemblables pur le commoditie del Seignior:

is not altogether forgotten: And is in effect that which now euery Baylife of a mannor practiſeth, although the name of Baylife was not then in vze among vs, being ſince brought in by the Normans: But the name of Reeue auncientlie called Gereue, (which particle (Ge) in continuance of time was altogether left out and loſt) came from the Saxons word Gerefa, which ſignifieth a Ruler: And ſo in deede his rule and authoritie was large within the compaſſe of his Lords manor, and among his men and tenants, aſwell in matters of gouernment in peace and warr, as in the skilfull vſe and trade of huſbandrie: For as hee did gather his Lordes rents, pay repriſes, or duties, iſſuing out of the manour, ſet the ſeruantes to worke, fell and cut downe trees to repayre the buyldinges, and incloſures, with diuers ſuch like for his Lordes commoditie:

So

So also he had authoritie to gouerne and keepe the tenants in peace, & if need required, to leade thē forth in warre.

397 Reuersion.

REuersion of lande, is a certaine estate remayning in the lessour or donour, after the particular estate and possession conueyed to another by lease for life, or yeares, or gift in tayle:

And it is called a Reuersion in respect of the possession seperated from it: so that he that hath the one, hath not the other at the same time, for being in one body together, there cannot be said a Reuersion, because by the vniting the one of them is drowned in the other.

And so the reuersion of lande, is the land it selfe when it falleth.

398 Riot.

RIot, is where three (at the least) or more, doe some vnlawfull act: as to beate a man, enter vpon the possession of another, or such like.

issint auxy il ad authority de gouerner, & garder les tenants en peax, & sil besoigne, de conducter eux en guerre.

Reuersion.

REuersion de terre, est vn certaine estate remaynant en le lessor ou donor, apres le particuler estate & possessiō conuey al vn auter p lease pur vie, ou ans, ou done en taile.

Et est appel vn Reuersion é respect de le possessiō seperate de ceo: issint que il que ad le vn, nad le auter a mesme le tēps, car esteant en vn corps simul, la ne poit este dit vn reuersion, pur ceo que per le vniting lun est merge en lauter.

Et issint le reuersion del terre, est le terre en quant il eschuest.

Riot.

RIot, est lou trois (al meines) ou plures sont ascun illoyall act: come de bater vn home, entre sur le possession dun auter, vel huiusmodi.

399 Robbery.

RObbery, eſt quaunt vn home prent aſcun choſe del perſon dun auter felonioufment, coment que la choſe priſe ne ſoyt al value forſque dun denier, vncore il eſt felony, pur quel le offender ſuffera mort.

Robberie.

RObberie, is when a man taketh anie thing from the perſō of another felonioufly, although the thing ſo taken bee not to the value but of a pennie, yet it is felony, for which the offendor ſhall ſuffer death.

400 Rout.

ROut, eſt quaunt people aſſemble eux meſmes, & puis procedant, ou chiauchant, ou alant auant, ou mouent per inſtigation de vn ou pluſors, que eſt conduct de eux: Ceſt appel vn Rout, pur ceo que ils mouent, & proceed en routs & numbers.

Item ou plures aſſemble eux ſur lour quarels & braules demeſne: come ſi les inhabitants dun Ville viole aſſembler eux, pur debruſer huys, mures, foſſes, pales, ou tiels ſemblables dauer common la, ou de bater vn auter que ad fait al eux vn common diſpleaſure, vel huiuſmodi, ceſt vn Rout & encounter le ley, coment que ils nont fait ou mis en execution lour male en-

Rout.

ROut, is when people do aſſemble themſelues together, and after do proceed, or ride, or goe forth, or do moue by the inſtigation of one or moze, who is their leader: This is called a Rout, becauſe they do moue and proceed in routs and numbers.

Alſo where manp aſſemble thēſelues together bpon their owne quarrels & bzaules: as if the inhabitāts of a towñ will gather themſelues together, to bzeake hedges, pales, or ſuch like, to haue common there, or to beat another hath done to them a comō diſpleaſure, or ſuch like that is a Rout, & againſt the law, although they haue not done or put in execution their miſchieuous en-

ter

tent. See the ſtatute 1. Ma. cap. 12.

Sake.

SAke, this is a plee and correction of treſpaſſe of mē in your court, becauſe (Sake) in Engliſh, is Acheſon in french, & ſake is put for ſicke, as to ſay for ſicke, ſake, alſo for what hurt, & ſake is put for forfait.

Scire facias.

SCire facias, is a writ iudiciall going out of the record, & it lieth wher one hath recouered debt or damages in the K court, & he ſueth not to haue execution within the yeare & the day, then after the yeare & the day hee ſhall haue the ſaid writ to warne the party, & if the party come not, or if hee come & nothing ſay to diſcharge or ſtay the execution, then he ſhall haue a writ of Fieri facias directed to the ſhirife, him cōmanding that he leuie the debt & damages of the goods of him that hath loſt.

Alſo ỹ writ of Fieri facias lyeth within the yeare without any Scire facias.

Alſo if the ſumme of the ſame debt or dammages

tent. Vide leſtatute 1. Ma. cap. 12.

Sake.

SAke, hoc eſt placitum & emenda de tranſgr hominū in curia veſtra, quia (Sake) Anglice, eſt Acheſon Gallice, & Sake eſt mis pur ſick, & dicitur pur ſick, ſake, idem qd' pur q̄l acheſon, & ſake dicit pur forfait.

Scire facias.

SCire facias, eſt vn briefe iudiciall iſſuant hors de record, & giſt lou vn ad recouer dette ou dammages en court le Roy, & il ne ſue pas dauer execution deins lan & le iour, donques apres lan & iour il auera le dit briefe a garner le partie, & ſi le partie ne vient, ou ſil vient & ne ſcauoit riens dire encounter execution, donques il auera vn briefe de Fieri facias direct al Vicount, luy commaundant que il leuie le dette on les dammages des biens cehy que ad perdue.

Auxy le briefe de Fieri facias giſt deins lan ſauns aſcun ſcire facias ſuer.

Auxi ſi le ſumme de meſme le dette ou dammages

ne poit eſte leuie des biens celuy que auoit perdue, donques il poit auer vn briefe de Elegit direct al Vicount, que il face luy deliuer la moitie de ſa terre & biens, except ſes bones & affries de ſa carue.

Auxy quant vn ad recouer dette ou dammages en action perſonall (ou le proces eſt vn Capias) il poit auer vn auter briefe de Execution appelle Capias ad ſatisfaciendum pur prender le corps celuy que eſt iſſint condempne, que ſerra committe al priſon, illonques a demurrer ſans baile ou mainprise, tanque il ad ſatisfie le partie.

Auxy quãt vn ad iudgement de recouer aſcun terres ou tenementes, il auera vn briefe appelle Habere facias ſeiſinam direct al vicount, luy commaundant de deliuer a luy ſeiſin de meſme le terre iſſint recouer. Vide plus de ceo en le title Fieri facias, & en le title Execution.

403 Scot.

SCot, hoc eſt quietum eſſe de quadã cõſuetud', ſicut

map not bee leuied of the goods of him that hath loſt them, he map haue a writ of Elegit directed to the Shirif, that he cauſe him to deliuer the one halfe of his lands and goodes, except his oxen and impleiments of his cart.

Alſo when one hath recouered debt or damages in an actiõ pſonal (where the proces is a Capias) he map haue an other writ of Executiõ called a Capias ad ſatisfaciendum, to take the bodie of him that is ſo condemned which ſhal be committed to priſon, there to abide without baile or mainprize, til that he hath ſatiſfied the partie.

Alſo when one hath iudgement to recouer any lands or tenementes, hee ſhall haue a writ called Habere facias ſeiſinam directed to the Shirife, him commanding to deliuer to him ſeiſin of the ſame land ſo recouered. See more of that in the title Fieri facias, & in the title Execution.

Scot.

SCot, that is to bee quit of a certain cuſtome, as

of

of common tallage made to the vse of the Shirif or Bailife.

de communi tallagio facto ad opus Vicecomitis vel Balliuorum eius.

404 Knights ſeruice.

TO hold by knights ſeruice, is to hold by homage, fealtie, and eſcuage, and it draweth to itward, mariage, and reliefe.

And note that Knights ſeruice, is ſeruice of lands or tenementes to beare Armes in war in the defence of this Realme, and it oweth ward and marriage, by reaſon that none is able, nor of power, or may haue knowledge to bear armes, before that he be of the age of 21. yeres, And to the end that the Lord ſhall not leeſe that, that of right hee ought to haue, and that the power of the realme, bee nothing weakned, the Law will becauſe of his tender age, that the Lord ſhall haue him and his landes in his ward til the full age of him, that is to ſay, xxj. yeares.

Looke of that more in the title Grand Serieantie, and the title Eſcuage.

Seruice de Chiualer.

TEner p ſeruice de Chiualer, eſt atener per homage, fealtie, & eſcuage, & treit a luy garde, mariage, & reliefe.

Et nota que ſeruice de Chiualer, eſt ſeruice de terres ou tenements pur Armes porter en guerre en defence del Roialme, & doit garde, & mariage appent, per reaſon que nul eſt able, ne de power, & ne poit auer conuſauns darmes porter, deuaunt que il ſoit del age de xxj. ans. Et al fine que le Seigniour ne perdera ceo, que de droit il doit auer, & que la power de la Roialme de rien ne ſoit enfeeble: la ley voit per cauſe de ſon tender age que le Seigniour luy auera en la garde, tanque al pleine age de luy, ceſtaſcauoir, xxj. ans.

Vide de ceo pluis en le title Grand Serieantie, & en le title Eſcuage.

405 Shewing.

SHewing, hoc eſt quietum eſſe cum attachiament̃ in aliqua Curia, & coram quibuſcunq; in querelis oſtenſis & non aduocat̃.

406 Sok.

SOk, hoc eſt ſecta de hominib' in Curia veſtr̃, ſecundũ conſuetudiñ Regni.

407 Sokmans.

SOkmans, ſont les tenaunts en auncient demeſne, queux tient lour terres p ſocage, ceſt adire per ſeruice del carue, & pur ceo ils ſont appelle Sokmans, que eſt taunt adire come tenants, ou homes queux tient per ſeruice del carue, ou homes del carue: Car Sok ſignifie vn carue.

Et ceux ſokmans ou tenaunts en auncient demeſne, ount pluſors & diuers liberties done & graunt a eux per le ley, ſibien ceux tenants queux tient dun common perſon en auncient demeſne, come ceux queux tyent del Roy en auncient demeſne, come noſmement deſte quite de payer Toll en cheſcun Market, Faire, Ville, & Citie per tout le

Shewing. 406

SHewing, that is to be quite with attachment in any Court, and before whom ſoener in plaintes ſhewed and not auowed.

Sok.

SOk, that is ſuit of men in your court, accordyng to the cuſtom of the Realme.

Sokmans.

SOkmans, are the tenãts in ancient demeſne, that held their landes by Socage, that is by ſeruice with the plough, & therefore they are called Sokmans, which is as much to ſay as tenantes or men that hold by ſeruice of the plough, or plowmen: For Sok ſignifieth a plough.

And theſe Sokmans or Tenants in auncient demeſne, haue many and diuers liberties giuen and graunted to them by the Law, aſwel thoſe tenants that hold of a cõmon perſon in auncient demeſne, as thoſe that hold of the King in auncient demeſne, as namely to be free from paying tol in euery Market, Fayre, Towne, and Citie throughout the whole Realme,

Realme, as well for their goodes and cattels that they sell to others, as for those things that they buy for their prouision of other. And thereupon euery of them may sue to haue letters patents vnder the kings seale directed to his Officers, and to the Maiors, Bailifes, and other Officers in the Realme, to suffer them to bee Toll free.

Also to be quite of pontage, murage, and passage, as also of taxes and tallages graunted by Parliament, except that the king taxe auntient demesne, as he may at his pleasure for some great cause.

Also to bee free frō paiments towards the expēces of the Knights of the shire that come to the parliament.

And if the Sherife wil distraine them, or any of them to bee contributorie for their landes in auntient demesne, then one of them or all as the case requireth, may sue a Writ directed to the shirife, commaunding him that he doe

Realme, sibien pur lour biens & chattels que ils vende as auters, come pur ceux choses que ils achateront pur lour prouision, de auters. Et sur ceo chescun de eux poit suer dauer letters patents de south le seale de Roy a ses Officers, & al Maiors, Bailifes & auters Officers en le Realme de suffer eux deste quite de toll.

Item deste quite de põtage, murage, & passage, & auxy de taxes & tallages graunt per Parliament, sinō que le Roy taxe auntient demesne, come il poyt a son pleasure pur graund cause.

Auxy deste quite de payments a les expences del Chiualers del Shyre queux vient al Parliament.

Et si le Vicount voyle distrainer eux, ou ascun de eux destre contributory pur lour terre en auntient demesne, donques lun de eux ou toutes come le case require poyt suer vn briefe direct al Vicont, luy cōmandant que il

ne compel eux deſtre contributories al expences de Chiualers. Et meſme le bꝛ luy commaund auxy, que ſi il ad diſtraine eux pur ceo, q̃ il redeliuer m̃ le diſtres.

Item que ils ne deuerót eſtre impanel, ne mis en Iuries & Enqueſts en le pays hors de lour manour ou Seygniourie de auncient demeſne, pur les terres queux ils teigne la (ſinon que ils ont auters terres al common ley, pur queux ils deueront eſtre charge.) Et ſi le Vicount retourne eux en pannels, donques il's poyent auer vn briefe, direct a luy de Non ponendis in aſſiſis & iuratis: Et ſil face al contrary, donques giſt attachment ſur ceo enuers luy.

Et iſſint eſt auxy ſi les Baylifes des franchiſes q̃ux ont retournes de briefes voyle retourne aſcun del tenaunts queux teigne en auntient demeſne en aſſiſes ou iuries.

Et auxy deſte exépts del

not compell thē to bee contributorie to the expences of the Knights. And the ſame writ doth commād him alſo, that if hee haue already diſtrained them therfore, that he redeliuer the ſame diſtres.

Alſo that they ought not to bee impanelled, nor put in Iuries & enquests in the country out of their Manor or Lordſhip of auntient demeſne, for the landes that they holde there (except ꝑ they haue other landes at the commō law, for which they ought to be charged) And if the Sherife do returne them in panels, then they may haue a writ directed to him de Non ponendis in aſſiſis & iuratis: And if hee do the contrary, then lieth an attachment vpon that againſt him.

And ſo it is alſo if the Bailifes of franchiſes that haue return of writs will returne any of the tenaunts which hold in auncient demeſne in Aſſiſes or iuries.

And alſo to be exēpt frō

Leetes

Leetes, and the Shirifes Turns, with diuers other such like liberties.

408 Socage.

TO hold in Socage, is to hold of any Lord lands or tenements, yeelding to him a certaine rent by the yeare for all maner of services.

And note well, that to hold by Socage is not to hold by Knights service, nor to it belongeth ward, mariage, nor reliefe: But they shal double once their rēt after the death of their auncestor, according to that that they be wont to pay to their Lord.

And they shal not be ouer measure grieued, as it appeareth in the Treatise of Wards and Reliefe.

And note well, ꝑ Socage may be said in 3. maners, that is to say: Socage in free tenure, Socage in auncient tenure, & Socage in base tenure.

Socage in Free tenure, is when one holdeth of an other by fealty and certain rent for all manner of services, as is before said.

And of all lands holden

Leetes, & de Turnes de Vicount, ouesq; diuers autres semblable liberties.

Socage.

TEner é Socage, est a tener de aſcun Seigniour terres ou tenements, rendant a luy vn certaine rent per an pur touts maſis des seruices.

Et nota, que tener per Socage nest pas tener per seruice de Chiualer, ne la appent garde, mariage, ne reliefe: Mes ils doubleront vn foyts lour rent apres le mort lour auncestor, solonque ceo que soloyent payer a lour Sñr.

Et ils ne ſerront ouſter meaſure greeues, come il appiert en le Treatiſe de Gardes & Reliefe.

Et nota, q̄ Socage poyt estre dit en trois maners, ceſtaſcauoir: Socage en franke tenure, Socage en auntient tenure, & Socage en baſe tenure.

Socage en franke tenure, eſt quant vn tient dun per fealty & certaine rent pur touts maner des seruices, come deuant eſt dit.

Et de touts terres tenus en

en Socage le procheyne amy auera le garde a que le heritage ne purra my discender, tanque al age le heyre de xiiij.ans, ceſtalcauoir, ſi le heritage veigne p le part le peſ, ceux del part le mere aueront le gard. Et econtra.

Et nota bien, ſi Gardian en Socage fait waſte, il ne ſerra my impeche de waſt: Mes il rendra accompt al heire quaunt il viendra al pleine age de xxj. ans. Et vide le ſtatute de Marlebridge capitulo 17. pur ceſt matter.

Socage de auntient tenure eſt ceo lon les gentes en auntient demeſne tenoyēt, que ne ſoloyent auter briefe auoir que le bꝛe de Droyt cloſe, que ſerra determine ſecundum conſuetudinem manerij, & le Monſtrauerūt pur eux diſcharge quant lour Seignior eux diſtraine pur faire auers ſeruices que faire ne duiſſent.

Et ceſt briefe de Monſtrauerunt doyt eſtre port enuers lour Seignior,

in Socage the next kins body ſhall haue the warde to whom the heritage may not diſcend, till the age of xiiij. yeares, that is to ſay if the heritage come by the part of the Father, they of the part of the Mother ſhall haue the warde. And contrary wiſe.

And note well, that if the Gardian in Socage do make waſt, he ſhall not be impeached of waſt, but hee ſhall yeeld accompt to the heire when hee ſhall come to his full age of xxj. yeares. And looke the ſtatute of Marleb. cap. 17. for this matter.

Socage of auntient tenure is that where ỹ peeheld in auntient demeſne ple, which vſe no other writ to haue then the writ of Right cloſe, which ſhall bee determined accoꝛding to the cuſtome of the manoꝛ, & the Monſtrauerunt foꝛ to diſcharge them whē their Lord diſtraineth thē foꝛ to doe other ſeruices that they ought not to do.

And this writ of Monſtrauerunt ought to bee bꝛought againſt the loꝛd,

and

and theſe tenants hold all by one certain ſeruice, and theſe bee free tenaunts of auncient demeſne.

Socage in baſe tenure, is where a man holdeth in Auncient demeſn, that may not haue ꝑ Monſtrauerunt, and for that it is called the baſe Tenure.

409 Summons ad warrantizandum &c.

SVmmons ad warrantizandum, and Sequatur ſub ſuo periculo. See of them after in the title Voucher.

410 Spoliation.

SPoliation, is a ſuit for the fruits of a Church, or for the Church it ſelf, & it is to bee ſued in the ſpirituall Court, & not in the temporall Courts. And this ſuit lyeth for one Incumbent againſt an other incumbēt, wher they both claim by one Patron, and where the right of the patronage doth not come in queſtion or debate. As if a Parſon bee created a Biſhop, & hath diſpēſation to keepe his benefice ſtil, & afterward the Patron preſents an other incumbēt,

& ceux tenaunts teignent touts per vn certaine ſeruice, Et ils ſont franke tenants de anciēt demeſne.

Socage en baſe tenure, eſt lou home tient en auncient demeſne, que ne poit ſuer le Monſtrauerunt, & pur c' il eſt appelle le baſe Tenure.

Summons ad warrantizandum &c.

SVmmons ad warrantizandum, & Sequatur ſub ſuo periculo, Vide de ceux apres en le title Voucher.

Spoliation.

SPoliation, eſt vn ſuite pur les fruites dun Eſgliſe, ou pur leſgliſe meſme, & eſt deſte ſue en le ſpirituall Court, & nemy en les temporall Courts. Et ceſt ſuit gift pur vn Encumbent enuers vn auter Encumbent, ou ils ambideux claime per vn Patron, & lou le droit del patronage ne vient en queſtion ou debate. Come ſi vn Parſon ſoit cree vn Eueſque, & ad diſpenſation de tener ſon Rectorie, & puis le Patron preſent auter Encumbent,

que

que eſt inſtitute & induct: Ore le Eueſque poit auer enuers ceſtuy Incumbent vn Spoliation en le ſpirituall Court, pur ceo que ils ambydeux claime per vn Patron, & le droit del patronage ne vient en debate, & pur ceo que lauter Incumbent vient al poſſeſſion del benefice per le courſe del ley ſpirituall, ceſtaſcauoir, per inſtitution & induction, iſſint que il ad colour de auer ceo, & deſte Parſon per le eſpirituall ley: Car autrement ſil ne ſoit inſtitute & induct &c. Spoliation ne giſt enuers luy, mes pluiſtoſt vn briefe de Treſpas, ou vn Aſſiſe de nouel diſſeiſin &c.

Iſſint eſt auxy lou vn Parſon que ad pluralitie, accept auter benefice, per reaſon de que le Patron preſent vn auter clerke, que eſt inſtitute & induct, ore lun de eux poit auer Spoliation enuers le auter, & donques viendra en debate ſi il ad vn ſuffiſient pluralitie ou non. Et iſſint eſt de depri-

which is inſtituted and inducted: Now the Biſhop may haue againſt that Incumbent a Spoliatiō in the Spirituall Court, becauſe they claime both by one Patron, and the right of the patronage doth not come in debate, & becauſe that the other incumbent came to the poſſeſſiō of the benefice by ꝑ courſe of the Spirituall Law, that is to ſay, by inſtitution and induction, ſo that he hath colour to haue it, and hee Parſon by the ſpiritual Lawe: for otherwiſe if he be not inſtituted and inducted &c. Spoliation lieth not againſt him, but rather a writ of treſpas, or an Aſſiſe of Nouel diſſeiſin &c.

So it is alſo where a Parſon which hath a plurality, doth accept another benefice, by reaſon whereof the Patron preſents another clerk, who is inſtituted & inducted, now ꝑ one of them may haue Spoliation againſt the other, & then ſhal come in debate if he haue a ſufficient pluralitie or not. And ſo it is of depri-

deprivation &c.

The same law is wher one saith to the Patron, that his Clerke is deade, whereupon he presents an other: there the first Incumbent which was supposed to be dead may haue a Spoliation against the other. And so it is in diuers other lyke cases, whereof see Fitzh. Nat. breuium.

uation &c.

Mesme le ley est, ou vn dit a le Patron, que son Clerke est mort, sur que il present vn auter: la le primer Incumbent que fuit surmise de estre mort poit auer vn Spoliation enuers lauter. Et issint en diuers auters semblables cases, de que veies Fitzherbert Nat. breuium.

411 Stallage.

STallage, that is to bee quite of a certaine custom exacted for the streat taken or assigned in faires or Markets.

Stallage.

STallage, hoc est quietum esse de quadam consuetudine exacta pro platea capt vel assignata in Nundinis & Mercatis.

412 Suit couenant.

SVit couenant, is when your auncestours haue couenanted with my auncestor to sue to the Court of my auncestours.

Suit couenant.

SVit couenant, est quant vostre auncestours ont couenant oue mes auncestors de suer a le Court de mes auncestors.

413 Suit custome.

SVit custome, is when I and my auncestors haue beene seised of your owne suit and your auncestors time out of minde &c.

Suit custome.

SVit custome, est quãt ieo & mes aũcestors ont estẽ seisies de vẽ suit demesne & vostr auncestors de tẽps dont memorie ne curt.

414 Suit reall.

SVit reall, is when men come to the Shirifes Turne or Leete, to which Court al men shalbe com-

Suit reall.

SVit real, est quant homes vient al Turne de Vicont, ou Leete, a q̃ Courts touts homes serra compelle

pelle de vener a conuſter les leyes, iſſint que ils ne ſerra ignorant de les choſes queux ſerront monſtres la coment ils ſerf gouernes. Et eſt appell' real ſuit per cauſe de lour allegeance, & ceo appiett per common experiẽce quant vn eſt iure, ſon oath eſt que il ſerra loyall & foyall home al Roy. Et ceo ſuit neſt pur le terre que il tient deins le Countie, mes per reaſon de ſon perſon, & pur ſon reſiancie la, & doit eſtre fait deux foires per an, pur default de que, il ſerra amercie & nemy diſtreine.

415 Suit ſeruice.

SVit ſeruice, eſt de ſuer al Turne del Vicount ou Leete, ou al Court de le Seignior, de trois ſemaignes en trois ſemaignes per lentier an: Et pur default de ceo, vn home ſerra diſtreine & nemy amercie. Et ceſt ſuit ſeruice eſt per reaſon del tenuſ del terres dun home.

416 Statute Marchant.

TEner per ſtatute Merchant, eſt lou home

pelled to come to knowe ẏ Lawes, ſo that they ſhall not be ignorant of things that ſhal be declared there how they ſhall bee gouerned. And it is called reall ſuit becauſe of their allegeance, and this appeareth by common experience when one is ſworne, his oath is that he ſhal be a loyall and faithfull man to the King. And this ſuit is not for the land that hee holdeth within the Countie, but by reaſon of his perſon, & his abode there, & ought to bee done twice a peare, for default wherof, he ſhall be amerced and not diſtrained.

Suit ſeruice.

SVit ſeruice, is to ſue to the Shirifes Turne or Leete, or to the Lordes Court, from three weeks to three weekes by the whole yeare: And for default therof, a man ſhal qe diſtrained and not amerced. And this ſuit ſeruice is by reaſon of the tenure of a mans lands.

Statute Marchant.

TO hold by Statute Marchant, is where a man

know

knoledgeth to pay certain money to another at a certaine day before the Maior, Baylife, or other wardeyne of any Towne that hath power to make executiõ of the same statute, & if the obligor pay not the debt at the day, & nothing of his goodes, landes, or tenements may bee found within the warde of the Maior or warden beforesaid, but in other places without, then the recognisee shall sue the recognisance and obligation with a certificatiõ to the Chãcery vnder the kings seal, and hee shall haue out of the Chancery a Capias to the Sherife of the county where he is to take him, & to put him in prison, if hee be not a Clerk, til he haue made agreement of the debt. And one quarter of the yeare after that hee shalbe taken, he shall haue his land deliuered to himselfe, to make gree to the party of the debt, & he may sel his land while he is in prison, & his sale shall bee good & lawfull. And if hee doe not make satisfaction

conust a payer certaine deniers a vn auter a certaine iour deuaunt le Maior, Baylife, ou auter Gardein dascun ville que ad poyar de faire execution de mesme le statute, & si le obligor ne paya le det a le iour, & rien de ses biens, terres, ou tenements ne purront estre troues deins le garde le Maior ou Gardein auantdit, mes en auters lyeux dehors, donques le recognisee suera le recognisance & obligation oue vn certification a la Chauncerie desouth le seale le Roy, & il auera hors de la Chauncerie vn Capias al Vicount del countie lou il est de luy prender, & mitter luy en prison, si il ne soit Clerke, tanque il ad fait gree de la dette. Et vn quarter de lan apres ceo que il serra prise, il auera sa terre liuer a luy mesme pur faire gree a le partie de le dette, & il poit vender sa terre tanque il est en prison, & son vendition serra bone & loyal. Et si il ne face gree deins

deins le quarter dun an, ou ſil ſoit retourne que il neſt troue & ſil ne ſoit Clerke, adonques le recogniſee poit auer bꝛe de le Chauncery, que eſt appel Extẽdi facias, direct al touts Viconts lou il ad terres de extender les terres & biẽs, & ſes biens a luy deliuer, & luy ſeiſer en ſes terres, a tener eux a luy & a ſes heirs, & a ſes aſſignes, tanque le debt ſoyt leuie ou pay, & pur cel temps il eſt tenaunt per Statute Marchant.

within a quarter of a yere oꝛ if it be returned, that he be not found, and if he bee not a clerke, then ꝯ recogniſee may haue a writ out of the Chancery, which is called Extendi facias, direct to al Shiriffes where hee hath landes, to extend his lands and goodes, & to deliuer the goodes to him, & to ſeiſe him in his lands to hold them to him and to his heires, & his aſſignes, till that the debt be leuied oꝛ paid, and foꝛ that time he is tenant by ſtat. Marchant.

Et nota bien, que en vn Statute Marchaunt le recogniſee aura execution de touts les terres q̃ le recogniſor auoit iour de la recognisance fait, & aſcun temps puis per force de m̃ le ſtatute.

And note well, that in a ſtatute Marchant the recogniſee ſhall haue execution of al ꝯ lands which the recogniſoꝛ had the day of the recognisans made, & any time after by foꝛce of the ſame ſtatute.

Et nota bien, que quant aſcun waſt ou deſtruction eſt fait per le Recogniſee, ſes executors, ou per celuy que ad ſon eſtate, le recogniſor ou ſes executors aueront m̃ la ley, come eſt ſuiſdit de le tenaunt per Elegit.

And note well, that when any waſt oꝛ deſtruction is made by the recogniſee, his executoꝛs, oꝛ by him that hath his eſtate the recogniſoꝛ oꝛ his executoꝛs ſhall haue the ſame law, as is befoꝛe ſaid of ꝯ tenant by Elegit.

Et nota bien, ſi le te-

And note well, that tenant

nant by ſtatute marchant hold ouer his terme, hee that hath right may ſue againſt him a Venire facias ad computandum, or els enter by and by as vpon tenant by Elegit. See the ſtatute 21.E.1. and of Acton Burnel, and 13.E. 1. de Mercatoribus.

nant per le Statute marchant tyent ouſter ſon terme, ceſtuy que ad droit poit ſuer enuers luy vn Venire facias ad computandum, ou enter tantoſt ſicome ſur le tenaunt per Elegit. Vide le ſtatute 11.E. 1. & de Acton Burnel, & 13.E.1. de Mercatoribus.

T

417 Fee Taile.

TO hold in the Taile, is where a man holdeth certaine lands or tenemts to him and to his heires of his body begotten.

And note well, that if ꝑ Land bee giuen to a man and to his heires males, & he hath iſſue male, he hath fee ſimple, and that was adiudged in the Parliament of our Lord the K. But where lands bee giuen to a man an to his heires males of his bodie begotten, then he hath fee taile, & ꝑ iſſue female ſhall not bee inheritable, as it appeareth the 14. peare of E.3. in Aſſiſe 18. E. 3. 45.

Fee taile, is where land is giuen to a man and his heires of his bodie begot-

T

Fee Taile.

TEner en le Taile, eſt lou home tient certaine terres ou tenements a luy & a ſes heyres de ſon corps engendres.

Et nota bien, que ſi le terre ſoit done a vn home & a ſes heires males, & il ad iſſue male, il ad fee ſimple, & ceo fuit adiudge en le Parliament noſtre Seigniour le Roy. Mes lou terres ou tenements ſont dones a vn home & a ſes heires males de ſon corps engenders, il ad fee taile, & le iſſue female ne ſerra my inhetite, vt patet Anno 14. Ed. 3. en vn Aſſiſe 18.E.3.45.

Fee taile, eſt lou terre eſt doñ a vn home & a ſes heires de ſon corps engen-

ders, & il eſt dit tenaunt en le taile general.

Mes ſi terre ſoit done al baron & feme & al heires de lour deux corps engenders, ore le baron & la feme ſont tenants en le taile eſpecial. Et ſi vn de eux deuy, ceſtuy que ſuruiue eſt tenaunt en le taile apres poſſibilitie de iſſue extinct, & ſi il face waſte il ne ſera impeach de cel waſte Vide Litt'eton.

Mes ſi le Roy done terres a vn hom & a ſes heires males, & le donee deuie ſauns iſſue male, donques le cofin collaterall del donee ne inheritera, mes le roy reentra, & iſſint fuit adiudge en Leſchequer chamber An. 18. H. 8. en vn information fait vers le heire de Sir T. Louel Chiualer.

418 Taile apres poſſibilitie.

TEner en le taile apres poſſibilitie de iſſue extinct, eſt lou terre eſt done a vn home & ſa feme & a les heires de lour deux corps engenders, & lun de eux ſuruiue lauſ ſas iſſue ten, & hee is called tenant in the taile generall.

But if lands be giuē to the huſband and the wife and the heirs of their two bodies begotten, then the huſband & the wife be tenants in the taile eſpecial. And if one of them die, he that ſuruiueth is tenāt in tail after poſſibility of iſſu extinct, & if he make waſte he ſhall not bee impeached for that waſte. See Litt.

But if ỹ king giue land to a man and to his heires males, and the donee dieth without iſſue male, then the cofin collaterall of the donee ſhal not inherit, but the king ſhall reenter, and ſo it was adiuged in the Eſchequer Chamber 18. H. 8. in an Information made againſt the heire of Sir T. Louel knight.

Taile after poſſibilitie.

TO holde in the taile after poſſibilitie of iſſue extinct, is where land is giuen to a man and to his wife, & to the heirs of their two bodies engendred, & one of thē ouerliueth the other without iſſue be-

tweene

tweene them begotten, hee shal hold the landfor terme of his owne life, as tenant in the taile after possibility of issue extinct. And notwithstanding hee do waste, he shall neuer be impeached of that waste. And note, that if he alien, hee in the reuersion shal not haue a writt of Entre in cõsimili casu. But he may enter, & his entre is lawfull, per R. Thorp chiefe Iustice 28. E. 3. 96. & 45. E. 3. 25.

419 Taxe and tallage.

TAxe & tallage, are payments, as tenthes, fiftenths, subsidies, or such like graunted to the King by Parliament.

The Tenants in auncient demesne are quite of these Taxes and tallages graunted by Parliament, except that the King doe taxe auncient demesne, as he may when hee thinkes good for some great cause, See Auncient demesne.

420 Tenure in capite.

TEnure in capite, is where any holde of the King as of his person being King, and of his Crown,

ter eux issuant, il tiendra sa terre a terme de sa vie demesne, come tenaunt en le taile apres possibilitie de issue extinct. Et non obstant que il fait waste, il ne serra iammais empeache de cel waste. Et nota, que si il alien, celuy en la reuersion ne auera briefe Dentre in consimili casu. Mes il poit entrer, & son entre est congeable, per R. Thorpe chiefe Iustice 28, E. 3. 96. & 45. E. 3. 25.

Taxe & tallage.

TAxe & tallage, sont payments, come dismes, quinzismes, subsidies, ou tiels semblables graunt al Roy per Parliament.

Les Tenants en auncient demesne sont quites de ceux taxes & tallages graunts per Parliament, sinon que le Roy taxe auncient demesne, come il poit quant a luy pleist pur graund cause. Veies Auncient demesne.

Tenure in capite.

TEnure in capite, est lou ascun tient del Roy, come de son person estẽt Roy, & de son Corone,

come dan Seigniorie per luy meſme en groſſe, & en chiefe, deſuis toutes autres Seigniories. Et nemy lou ils tient de luy come de aſcun manour, honour, ou Caſtle, ſinon certaine auncient honours, vt patet in Scaccario.

421 Terme dans.

TEner a terme dans, neſt forſque chattel ẽ effect, car nul action eſt maintenab'e enuers termor quãt a recouerer le franktenement, car nul franktenement eſt a luy. Leaſe a terme dans eſt chattell reall, & toutes biens moueables ſont chattels perſonals.

422 Teſtament.

TEſtament, eſt iſſint define ou expounde en Mounſier *Plowdens* Commentaries: Teſtamentum eſt teſtatio mentis, & eſt compounde de ceux deux parolx, Teſtatio & mentis, que iſſint ſignifie, veray il eſt, que vn Teſtament eſt teſtatio mentis, mes que il eſt vn compound parol!, *Aulus Gellius* en ſon 6. liuer cap, 12. denie ceo al vn excellent Lawyer vn *Ser-*

as of a Lordſhip by it ſelf in groſſe, & in chiefe aboue all other Lordſhips. And not where they hold of him as of any Mannour, Honour, or Caſtell, except certaine auntient honors, which appeare in the Exchequer.

Terme dans.

TO holde for terme of yeres is not but chattel in effect, for no action is maintenable againſt the termor for the recouering of the freehold, for no freeholde is in him. A Leaſe for terme of yeares is a chattel reall, and all goods which are remoueable are chattels perſonals.

Teſtament.

TEſtament, is thus defined in Maſter Plowdens Commentaries: A Teſtamẽt is the witneſſe of the mind, & is compoũd of theſe two words, Teſtatio and mẽtis, which ſo ſignifieth, truth is, that a Teſtament is witneſſe of the minde, but that it is a compound word, Aulus Gellius in his 6. booke cap. 12. doth denie ꝑ ſame to an excellẽt Lawyer one Ser-

ius

uius Sulpitius, and saith, that it is a simple word, as are these, Calciamentum, Paludamẽtum, Pauiamentũ, & diuers such like. And much lesse is Agreamentũ, a compound word of aggregatio and mentium, as is said before in the title of Agreement, for ther is no such latin word simple or compound: but it may neuertheless serue well for a law latin word.

And therefore thus it may bee better defined. A Testament is the true declaration of our last will, of that wee would to bee done after our death, &c.

And of Testaments there be two sorts, namely a Testament in writing, & a Testament in words, which is called a Nuncupatiue Testament.

The first is alwaies in writting, as is said.

The other is, when a man beeing sicke, and for feare least death, or want of memorie, or of speech, should come so sodainely and hastily vpon him, that hee should bee preuented, if hee stayed the writ-

uius Sulpitius, & dit, q̃ il est vn simple parol, come sont ceux. Calciamentum, Paludamentũ, Pauiamẽtum, & diuers tielx semblables. Et mult meines est Agreamentum, vn compoũd parol de aggregatio & mentium, come est dit en le title de Agreement, car il ny ad nul tiel Latin parol simple ou compound: mes il poit nient obstant serue biẽ pur vn ley latin parol.

Et pur ceo il poit issint este meliour define. Testamentum est vltimæ voluntatis iusta sententia, de eo quod quis post mortem suam fieri vult, &c.

Et de Testaments il y ad deux sortes, cestasçauoir, vn Testamẽt en escript, & vn Testament p parol, que est appel vn Nuncupatiue Testament.

Le primer est touts foits en escript, come est dit.

Le auter est, quaunt vn home esteant malade, & pur pauor que mort, ou fault de memorie, ou de parler, voit vener cy suddeinment & hastiuement sur luy, que il serra preuent, si il demurt le scrip-

ture de son Testament, requeſt ſes vicines & amies de porter teſmoigne de ſon darreine volunt, & donques declare ceo preſentment per parol deuant eux, que apres ſon deceaſe eſt prone per teſmoignes, & mis en ſcript per le Ordinarie, & donques il eſt en cy bone force come ſi ceo ad al primer en le vie del Teſtator eſte mis en eſcript: ſinon que il ſoit pur terres nient deuiſable per cuſtome.

433 Them.

THem, hoc eſt quod habeatis totam generationem Villanorum veſtrorum cum eorum ſectis & catallis vbicunque in Anglia fuerint inuenta, excepto quod ſi aliquis natiuus quietus per vnum annum & diem in aliqua villa priuilegiata manſerit, ita quod in eorum communiam vel geldam tanquam vnus illorum repertus fuerit, eo ipſo a villenagio liberatus eſt.

424 Theſibote.

THeſibote, eſt quant hõe priſt aſcun biens dun laſon de luy fauorer & maintaine

ting of his Teſtament, deſireth his neyghbours and friends to beare witneſſe of his laſt will, and then declareth the ſame preſently by words before them, which after his deceaſe is proued by witneſſes, and put in writing by the Ordinarie, and then ſtandeth in as goode force as if it had at the firſt in the life of the teſtator bin put in writing: if it be not for lands not deuiſable by cuſtome.

Them.

THem, that is, that you ſhall haue all the generations of your Villeines with their ſuites and cattel wherſoeuer they ſhall bee found in England, except that if any bondman ſhal remaine quit one yere and a day in any priuiledged towne, ſo that he ſhall bee receiued into their cõmunaltie, or guild, as one of them, by that meanes he is deliuered from villenage.

Theſibote.

THeſibote, is whẽ a mã taketh any goods of a theefe to fauour and maintaine

taine him: And not when a man taketh his owne goodes that were stollen from him &c.

The punishment in ancient time of Theftbote was of life and member. But now at this day Mast. Stamford saith, it is punished by ransome and by imprisonment. But enquire further, for I think it be felonie.

425 Title.

Title, is where a lawful cause is come vpon a mã to haue a thing which an other hath, and he hath no action for the same, as title of Mortmaine, or to enter for breach of condition.

426 Title de Entre.

Title de Entre, is when one seised of land in fee maketh a feoffement therof vpon condition, and the condition is brokē: Now after the condition thus broken, the feoffor hath title to enter into the land, and may so do at his pleasure, and by his entrie the freehold shall be said to bee in him presently.

And it is called title of

reiner: Et nemy quaunt home prist ses biens demesne, q̄ fueront emblees de luy &c.

Le punishment en auncient temps de Theftbote, suite de vie & de member: Mes a ore Mast. *Stanford* dit, que il est punish per raunsome & emprisonment. Sed quære car ieo pense ceo este felonie.

Title.

Title, est lou loiall cause est veigne a vn home de auter chose que auter ad, & il nad ascun action pur ceo, come title de Mortmaine, ou de enter pur condition enfreint.

Title de Entre.

Title de Entre, est quant vn seisie de terre en fee faite feoffement de ceo sur condition, & le condition est enfreint: Ore apres le condition issint enfreint, feoffour ad title de entre en le terre & issint poit quant a luy pleist, & person entrie le franktenement serra dit en luy maintenant.

Et est appel title de

Entre, pur ceo que il ne poit auer briefe de Droit enuers ſon feoffee ſur condition, car ſon droit ſuit hors de luy per le feoffement, le quel ne poit eſte reduce ſans entre, & le entre doit eſte pur le enfrender de le condition.

427 Tolle, ou tolne.

TOlle ou Tolne, eſt plus properment vn payment vſe en Cities, Villes, Markets, & Fayres, pur biens & chattel port la deſtre achate ou vende. Et eſt toutes dits deſtre pay per le achator, & nemy per le vendour, ſinon que ſoit aſcun Cuſtome al contrarie.

Il y ad diuers auters Tols, come Turne toll, & ceo eſt lou toll eſt pay pur auers, queux ſont driues deſte vendus coment que ils ne ſont vendus.

Item Toll trauers, ceo eſt lou vn claime dauer vn ob. ou tiel ſemblable Toll de cheſcun beaſt que eſt driue ſur ſon terre.

Through Toll, eſt lou vn Ville preſcribe de

Entre, becauſe that he cannot haue a writ of Right againſt his feoffee vpon condition, for his right was out of him by the feoffement, which cannot bee reduced without entrie, & the entrie muſt be for the breach of the condition.

Toll, ou Tolne.

TOll or Tolne, is moſt properly a payment vſed in Cities, Townes, Markets, & Fayres, for goods and cattell brought thither to bee bought and ſold. And is alwaies to be paied by the buyer and not by the ſeller, except there bee ſome cuſtome otherwiſe.

There are diuers other Tolles, as Turne Toll, and that is where Toll is paide for beaſtes that are driuen to be ſolde, although that they bee not ſold in deede.

Alſo Tol trauers, that is where one claimeth to haue a halfepenie, or ſuch like Toll of euery beaſte that is driuen ouer his ground.

Through toll is where a Towne preſcribes to haue

haue Toll for euery beast that goeth through their Towne, a certaine, or for euery score or 100. a certaine: which seemeth not to bee so vnreasonable a prescription or custome, as some haue thought, although it bee through the Kings high way (as they call it) where euery man may lawfully goe, if that there be one thing for an other: Or if there be a bridge, or such like commoditie, prouided at the costes and charges of the Town, for the ease of trauailers that driue y way, whereby their iourney is either shortned or bettered, why then may not toll bee lawfully and with good reason demanded of them &c.

But diuers Citizens & townes men are free from paying Toll by graunt of the King or his auncestors, or doe claime the same by prescripton or custome. So also spirituall persons & religious men (as they call them) were quit of paying Toll for their goods and marchan-

auer Toll pur chescun beast que ale through lour ville, vn certaine, ou pur chescun vint ou cent, vn certaine: que ne appiert deste ci vnreasonable prescription ou custom, come aſcuns ont suppose, nient obstant il soit per le hault chimyn del Roy (sicome ils ceo appelle) lou chescun poyt loyalment passe, si y ad quid pro quo: Come si la soyt vn pont, ou tiel semblable commoditie, puruey al costes & charges del ville, pur le ease de trauaylers que chase meisme voy, per que lour iourney est ou a bridge ou faite le meliour, pur que donques ne poyt Toll este demaunde loyalment & oue bone reason de eux &c.

Mes diuers Citizens & Burgesses sont quite de payer Toll per le graunt del Roy, ou ses auncestors, ou claime ceo per prescription ou custome. Issint auxy espirituall persons & religious homes (come ils fuerõt appelles) fueront quite de Toll pur lour biens & marchan-

dises

diſes achate & vendus &c. Mes a ore le Statute del Roy Hen. 8. aſi 21. cap. 13. voit que ils ne marchandiſera.

Item Tenants en auncient demeſne doyent eſte quite per tout le Realme de paier toll, come appiert deuaunt en le title Sokemans. Et en toutes ceux caſes ou tolle eſt demaunde ou il ne doyt eſte pay de eux que doient aler achate & vende quite de tolle, la le partie ou parties greeue poyent auer vn briefe, De eſſendi quietum de tolonio, direct a luy, ou ceux que iſſint demaunde tolle contra al graunt le Roy ou ſa progenitors, ou countra al cuſtome ou preſcription.

428 Treaſon.

TReaſon, eſt en deux maners, ceſtaſcauoir, hault Treaſon, & petit Treaſon, come eſt ordeine per les ſtatutes. Et ideo vide Statuta, & Stamford lib. 1 cap. 2.

429 Treaſure troue.

TReaſure troue, eſt quant aſcun money, or, argent, plate, ou bolion, eſt

diſes bought and ſold &c. But now the Statute of king H. 8. aſi 21. cap. 13. will, that they ſhall not marchandiſe.

Alſo Tenant en auncient demeſne ought to bee quite thzoughout ꝑ whole realme of paying toll, as appeareth befoze in the title Sokemans. And in al theſe caſes where tol is demanded where it ought not to be paid of them that ſhould go buy and ſell toll frē, there ꝑ partie oz parties grieued may haue a writ, De eſſendi quietū de tolonio, directed to him, oz them that ſo demaunded toll contrarie to the king oz his pzogenitozs grant, oz contrarie to cuſtome oz pzeſcription.

Treaſon.

TReaſon, is in two maners, that is to ſay, graund Treaſon, & petit Treaſon, as it is ozdeyned by the ſtatutes. And therefoze look the ſtatuts. and Stamf. lib. 1. c. 2.

Treaſure troue.

TReaſure troue, is when any money, golde, ſiluer, plate, oz bolion, is found

found in any place, and no man knoweth to whom the propertie is, then the property therof belongeth to the King, and that is called Treasure troue, that is to say, Treasure found. But if any Mine of mettal be found in any ground that alway pertayneth to the Lord of the soyle, except it be a mine of gold or siluer, which shalbe alway to the King in whose ground soeuer they be found.

troue en ascun lieu, & nul conusta que le propertie est, donques le propetie de ceo appertient al Roy, & ceo est dit Treasure troue. Mes si ascun Minerall de mettal soit troue en ascun terre, ceo toutes foits pertient al Seignior de soyle, forsque que il soit mineral de Or ou Argent, queux serront toutes foits al Roy, en quecunque soyle que ils sont troues.

430 Shirifes Turne.

SHirifes Turne, is a court of Record in all things that pertain to the Turn. And it is the Kings Leet thorough all the Countie, and the Shirif is Judge. And whosoeuer hath a Leete, hath the same authoritie within the precinct, as the Shirife hath within the Turne.

Tourne del Vicont.

TOurne del Vicont, est vn Court de Record en touts choses que pertaine al Tourne. Et est le Leete le Roy per tout le Countie, & le Vicount est Iudge. Et quecunque ad vn Leet, ad mesme le authoritie deins le precinct, sicome le Vicount ad deins le Tourne.

V

431 Verderor.

VErderor, is an Officer in the Forrestes of the King, chosen by the Freeholders of the Countie, where the Forrest is, by writ of the king, directed

V

Verderor.

VErderor, est vn officer en les Forrestes del Roy, esslieu per les frankrenants del Countie, lou le Forrest est, per briefe del Roy, direct

al

al Vicount de ceo faire, come appiert p les lieures del Regiſter, & del Nature des brieſes, & ſont appelles en Latin *Viridarij*, come ſemble de le parol *Viride*, que eſt en Anglois *Greene*, en Francoys *Verd*, car vn graund part de lour office eſt touchant le Verd, ceſtaſcauoir, le boys & herbes creſſant en le Forreſt, pur quel veies pluis en le Charter & Leyes del Foreſt.

to the Shirife to doe it, as it appeareth by the bookes of the Regiſter, and of the Nature of writs, and are called in Latin Viridarij, as it ſeemeth of the word Viride, which is in Engliſh Greene, in French Verd, for a great part of their office is touching the Vert, to wit, the wood and graſſe growing in the forreſt, for which ſee more in the Charter and Lawes of the Forreſt.

432 Vien. View.

VIew, eſt quaunt aſcun action real eſt port, & le tenaunt ne ſcauoit bien quel terre il eſt que le demaundant demande, donques le tenaunt priera le view, ceſtaſcauoir, que il poyt veier le terre que il claima. Mes ſi le tenant ad ew le view en vn briefe, & puis le briefe eſt abatus per miſnoſmer de le ville, ou per iointure, & puis le demaundaunt port vn tiel briefe vers le tenaunt, donques le tenaunt nanera le view en le ſecond briefe.

VIew, is when any action real is brought, and the tenant knoweth not well what lande it is that the demaundant aſketh, then the tenaunt ſhall pray the view, that is to ſay, that he may ſee the land which he claimeth. But if the tenãt hath had the view in one writ, and after the writ is abated in miſnaming of the towne, or by iointenure, and after the demaundant bringeth an other writ againſt the tenant, then the tenaunt ſhall not haue the view in the ſecond writ.

433 Vi

433 Vi Laica remouenda.

VI Laica remouenda, is a writ, & it lyeth where debate is betweene two Parsons or prouisors for a Church, & one of them entreth into the Church with great power of lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Shirife, that he remoue the power which is within the Church, & the Shirife shall bee commanded, that if he find any men there withstanding, that the Shirife shal take with him the power of his Countie, if neede bee, and shal arrest the bodies of al them him resisting, & shall put them in prison, so that hee haue their bodies before the King at a certain day to answere to the contempt. And this writ is retournable, & it shall not be granted before that the Bishop of the place wher such a Church is, hath certified in the Chancery such resisting and force.

Vi Laica remouenda.

VI Laica remouenda, est vn briefe, & gist lou debate est perenter deux Parsons ou prouisors dun Esglise, & lun enter en le Esglise oue graund power de lay homes, & tient lauter dehors oue force & armes, donques celuy que est tenus dehors auera le dit briefe direct al Vicont, que il remoua cest power que est deins lesglise, & ferra commaunde al Vicont, que sil troue ascun homes luy resistant, que le Vicount prendra oues que luy la poyar de son Countie, si besoigne soit, & ferra attache p lour corps touts ceux luy resistantes, & les mittera en prison, issint que il eyt lour corps deuant le Roy a certaine iour de responder del contempt. Et cest briefe est retournable, & ne ferra graunt deuant que le Euesque del lieu lou tiel Esglise est, eyt certifie en le Chancery tiel resistance & force.

434 Villenage.

TO hold in pure Ville-

Villenage.

TEner en pure Villenage,

nage, est a faire tout ceo, que le Seigniour luy voit commaunder.

Le diuision de Villenage, est villeine de sanke, & de tenure. Et il est villeine de que ien Seigniour prent redemption de sa file marier, & soy mesme enfranchise, & le Seigniour puit luy ouste de ses terres ou tenements a sa volunt, & auxy de toutes ses biens & chateux.

Et nota bien, que Sokeman nest pas pure Villeine, ne villeine doit pas garde, mariage, ne reliefe, ne faire autors seruices reals.

Et nota bien, que tenure en Villenage ne ferra nul franke home villeine, sil ne soit continue ouster le temps de memorie, ne villeine terre ne ferra franke home villeine, ne franke terre ne ferra villein frank, sinon que le tenaunt auoit continue frankmēt ouster le temps de memorie.

Mes vn Villeine ferra frank terre villeine, per seisin, ou per claime de son Seigaior.

nage, is to do all that, that the Lord will him commaund.

The diuision of Villenage, is villein of blod, & of tenure. And he is a villein of whom the Lord taketh redemption to marry his daughter, and to make him free, & it is hee whom the Lord may put out of his lands or tenements at his will, & also of all his gods and cattell.

And note well, that a Sokeman is no pure villeine, nor a villeine oweth not ward, mariage, nor reliefe, nor to doe any other seruices reals.

And note well, that the tenure in villenage shall make no free man villein, if it be not continued euer sith time out of minde: nor villeine lande shall make no free man villeine, nor free land shal make no villeine free, except that the tenaunt haue continued free beyond the time of memorie.

But a Villeine shall make free land villeine, by seisin, or by claime of the Lord.

And

And note well, that if a villeine purchase certaine land, and take a wife and alien, and dyeth before the claim or seisin of ꝯ Lord, the wife shal be endowed.

And note well, that in case that the Lord bring a Precipe quod reddat against the alienee of his villein, which voucheth to warrant the issue of ꝯ villein which is villein to ꝯ land, hee shall haue ꝯ voucher. And by protestation the Lord may (notwithstanding that he pled with his villeine) saue that his villeine shall not be infranchised.

And note well that a Bastard shall neuer bee iudged villeine, but by knowledge in court of record.

And note well, that if debt bee due by a Lord to a freeman, and he maketh two men his executors, ꝯ which bee villeines to the said Lord, and dyeth, the villeines shal haue an action of Det against their Lord. And notwithstanding that hee pleade with them, and if hee make pro-

Et nota bien, que si villein purchase certain terr. & prent feme & alien, & deuie deuant le claime ou seisin de son Seigniour, la feme serra endowe.

Et nota bien, que en case que le Seigniour port Præcipe quod reddat enuers le alienee son villein, le quel vouch a garranter le issue de le villein que est villein al Seigniour, il auera le voucher. Et per protestatiõ le Seigniour poit (non obstant que il plede oue son villein) saue que son villein ne serra my enfranchise.

Et nota bien, que Bastard ne serra iammais adiudge villein, sinon per conusans en court de record.

Et nota bien, que si det soit due per vn Seigniour a vn frank home, & il face deux homes ses executors, les queux sont villeines al dit Seigniour & deuie, les villeines aueront action de Dette enuers lour Seignior. Et nient obstant que il plede oueſque eux, & il face pro-

testa-

teſtation, ils ne ſerront pur tant enfranchiſe, pur ceo que ils ſont a recouer le dette auaunt dit al vſe de vn auter perſon, ceſtaſcauoir, al vſe lour teſtator, & nient a lour vſe demeſne.

Et ſi le tenaunt en dower eyt vn Villeine, le quel purchaſe certaine terre en fee, & puis le tenaunt en dower enter, el auera le terre a luy & a ſes heires a toutes iours. Et meſme le ley eſt de tenant a terme de ans de vn villeine.

Et nota bien, que le Seignior poit robbe, naufrer, & chaſtiſer ſon villein a ſon volunt: ſalue que il ne poit luy maime, car donques il auera appeal de Maihem enuers luy.

Et nota bien, que vn villein poit auer trois actions enuers ſon Seignior, ceſtaſcauoir, vn appeal de mort ſon auncеſtor, vn appeal de rape fait a ſa feme, & vn appeal de Maime.

Et nota biē, ſi deux pareeners port briefe de Nieſtie, & lun de eux ſoit nonſuie, le nonſuit de luy ſerra adiudge le nonſuit of

teſtation, they ſhall not bee thereby infranchiſed, for they be to recouer the debt aforeſaid to the vſe of another perſō, that is to ſay, to the vſe of their teſtator, & not to their owne vſe.

And if the tenant in dower haue a villein which purchaſeth certaine land in fee, and after the tenant in dower entreth, ſhe ſhall haue the lande to her & to her heires for euermore. And the ſame law is of tenant for terme of yeares of a villein.

And note well, that the Lord may robbe, beat, and chaſtiſe his villeine at his will: ſaue only that he may not maime him, for then he ſhall haue an appeal of maime againſt him.

And note wel, that a villein may haue three actiōs againſt his Lord, that is to ſay, an appeal of the death of his auncеſtor, an appeal of rape done to his wife, an appeal of maim.

And note well, if two pareeners bring a writ of Nieſe, and one of them be nonſuit, the nonſuit of him ſhal be iudged the nonſuit of

of them both, so that if that nonsuit bee after appearance, they shall be barred from that action for euer, for the Law is such in fauour of libertie.

And note well, if two haue a villein in common, & one of them make to him a manumission, he shal not be made free against both.

And note well, that in a writ de Natiuo habēdo, it behoueth that the Lord shewe how the defendant commeth to bee priuie of the blood of the villeine of whom he is Lord &c. And if hee nor none of his auncestors were not seised of none of his blood, he shall not win by his actiō, if the villeine haue not knowledged in Court of record himselfe to bee his villein.

And note well, that in a writ of Nieftie may not bee put more Niefes then two onely, and this was first brought in the hatred of bondage. But in a writ de Libertate probāda, may be put as many niefes as the plaintife will.

And note well that if the villeine of a Lord bee

de ambideux, issint que si le nonsuit soit apres appearance, ils serrōt barred de cest action a touts iours, car la ley est tiel in fauorem libertatis.

Et nota bien, si deux ont vn villein encommon, & lū de eux fait a luy manumission, il ne serra my enfranchise enūs ambideux.

Et nota bien, que en brē de Natiuo habendo, il couient que le Seignior mōstre coment le def. aueignē priuie de sanke a celuy villeyne de que il est Seignior &c. Et si il ne nul de ses ancestors ne soit seisie de nul de son sank, il ne gainera p son action, si le villein nad pas conus en Court de Record luy estre son villein.

Et nota bien, que en vn briefe de Nieftie ne purront estr̄ mis plusors niefes que deux tantsolement, & hoc introductum fuit prius in odium seruitutis. Mes en brief de Libertate probanda, purront estre mis tants niefes come le plaintife voudra.

Et nota bien, que si le villeine de Seigniour soit

ſue en auntient demeſne del Roy, ou auter ville priuiledge, deins lan & iour le Seigniour poyt luy ſeyſer, & ſil demurt en la dit ville ou lieu franchiſe per vn an & vn iour ſans le ſeiſin de ſon Seigniour, il nad my power de luy ſeiſer aps, ſi il ne va dehors le ſuiſdit franchiſe.

Et aſcuns ſont villeynes per title de Preſcription, ceſtaſcauoir, que tout lour ſanke ont eſte villeins regardants a le mannor dun Seigniour de temps dont memory ne court.

Et aſcuns ſont fayt villeines p lour confeſſion en vn Court de Record. Auxy le Sñr poit faire vn manumiſſion a ſon villein & luy infranch. a touts iours.

Auxy ſi le villeine port aſcun action vers ſon Sñr, ſi ne ſoit appeal demaihim, & le Seigniour a ceo ſauns proteſtation fait reſpons, donques per ceo le villein eſt franches.

Auxy ſi vn villeine purchaſe terre, & ad biens & vend les fres & biens deuant aſcun entre ou ſeiſin

fled in antient demeſne of the king, or other Towne priuiledged, within a yere and a day the Lord may ſeiſe him, and if hee dwell in the ſame town or other place franchiſed by a yere and a day, without ſeiſin of the Lord, hee hath no power to ſeiſe him after, if hee goe not out of the ſoreſaid franchiſe.

And ſome be villeins by title of Preſcription, that is to ſay, ỹ all their bloode haue beene villeines regardants to the manor of the Lord from time out of mind.

And ſome be made villeins by their confeſſion in a court of record. Alſo the Lord may make a manumiſſion to his villeine, and make him free for euer.

Alſo if the villein bring any actiõ againſt his Lord if it be not Appeal of maihem, and the Lord without proteſtatiõ make anſwer vnto it, then by this the villein is made free.

Alſo if a villein purchaſe land, and hath goods, and ſell the goods and lands before any entrie or ſeiſin made

made by the Lord, the sale is good. But the King which is Lord of a villein in such case may enter and seise the lande after such sale made, for no time runneth against the King.

435 Viscount.

VIscount, is either the name of one degree or state of honour under an Earle, & above a Baron, or else the name of a Magistrate & officer of great authority whom we commonly call (Shirife) or to speak more truly (Shiereue) and was at the first called (Shire-gereue) that is to say, the keeper of the Shire, or the Reue or Ruler of the Shire, for (Gereue) beeing derived of the Saxon word (Geretean) to rule, was first called (Gerefa) and then (Gerefa) which betokeneth a Ruler.

And hereof commeth (Portreue, or Portgreue) a name that in olde time was given to the head officer of a Towne, and signifieth the Ruler of the Towne, for that (Port) comming of the Latine

fait per le Seigniour, la vend' est bon, mes le Roy que est Seigniour de villeine en tiel case poit enter & seiser le terre apres tiel vendic' fait, Quia nullum tempus occurit Regi.

Viscount.

VIscount, est ou le nosme de vn degree ouslate de honour soubs vn Countee, & paramount vn Baron, ou le nosme de vn Magistrate & officer del graund authoritie q̄ nous communement appellomus (Shirise) ou de parler plus verayment (Shire-reue) & fuit al primes appel (Shiregereue) cest adire Cuslos comitatus, ou le Reue ou Ruler del Countie, car (Gereue) esteant derive de Saxon pol (Geretean) pur rule, fuit al primes appel (Gerecfa) & donques (Grerefa) que betoken vn Ruler.

Et de ceo vient (Portreue, ou Portgreue) vn nosme que en viel temps fuit donc al chiefe officer dun ville, & signifie le gouernor del ville, pur c' que (Port) veniens de le Latin

parol (Portus) signifie vn port ville, & (Gereue) estеant deriue come est auantdit signifie vn Ruler, issint que Portgereue, ou come nous a ore briefement parle ceo (Portreue) est le gouerner del ville.

Et issint fuit le chiefe officer ou gouernor del citie de Loundres longe temps past (deuaunt que ils ad le nosme del Maior ou Bailises) appel, come il appiert en diuers vieulx Monuments: Mes principalment en le Saxon Charter de Guilliam Bastard le Conquerour, que issint commence:

William le King greit William Bisceop, & Godfrey Ges port Gerefant, and dalle tha Burwarren the on London beon, &c.

Issint ils de Germanie (de que nous & nostre language ensemble primerment vient) appel enter eux vn gouernour Burgreeue, vn auter Margreeue, & vn auter Landsgreeue, oue tielx semblables &c.

Cest tãt est dit tant solement pur monstre le droit

worde (Portus) signifieth a Port towne, & (Gereue) being deriued as is afore said signifieth a ruler, so that Portgreeue, or as we now shorter speake (Portreue) is the ruler of the Towne.

And this was the head Officer or Gouernour of the Citie of London long since (before they had the name of Maior or Bailifes) called, as it doth appeare in diuers old monuments. But chiefly in the Saxon Charter of William Bastard the Conquerour, which thus beginneth:

William the king greeteth William the Bishop, & Godfrey the Portreue, and also the Citizens that in London bee &c.

So also they of Germanie (from whom wee and our language together first came) call among them one gouernour Burgreeue, another Margreeue, and an other Landsgreeue, with such like &c.

Thus much is saide onely to shewe the right

Etymon

Etymon and antiquitie of the worde (Shirife) to which officer our commō Law hath alwaies accordingly giuen great trust and authoritie, as to bee a speciall preseruer of the peace. And therefore all Obligatiōs ỹ hee taketh to the same end, are as recognisances in law.

Hee also is a Iudge of record when he holds the Leetes or Turns which are Courts of record.

Also he hath the execution and returne of writs, & impanelling of Iuries, and such like &c.

436 Volunt.

VOlunt, is when the tenant holdeth at the will of the lessor, or of the lord, and that is in two manners.

One is, when I make a lease to a man of landes, to hold at my will, then I may put him out at my pleasure: But if hee sow the ground, & I put him out, then he shall haue his corne, and going out and comming in till they bee ripe to cut and carie out of the ground.

Etymon & antiquitie del parol (Shirife) a quel officer nostre common Ley ad toutes foits accordant done graund confidence & authoritie, come destre vn speciall preseruer del peace. Et pur ceo touts obligations que il prist a mesme le purpose, sont come Recognisans en ley.

Il auxy est vn Iudge de record quaunt il tient les Leetes ou Turnes, les qux sont Courts de record.

Item il ad le execution & retourne des brieses, & empannelling des Iuries, & tiels semblables.

Volunt.

VOlunt, est quant le tenant tyent a la volunt del lessour, ou del Seignior, & ceo est en deux manners.

Vn est, quaunt ieo face lease a vn home de terres, a tener a ma volunt, donques ieo puisse luy ouster a mon pleasure: Mes si il emblee le terre, & ieo luy ousta, donques il auera son embleement, & egresse & regresse iesques ils sont mature pur eux scier & carrier hors del terre.

Et tiel tenaunt a volunt neſt pas tenus de ſuſtainer & repairer le meaſon ſicome tenaunt a terme de ans eſt tenus: Mes ſi il fait voluntarie waſte, le leſſour auera vers luy vn actiõ de Treſpas.

And ſuch tenant at will is not bounde to ſuſtaine & repaire the houſe as a tenaunt for terme of yeares is bound: but if hee make wilful waſt, the leſſor ſhal haue againſt him an action of Treſpas.

Auxy la eſt auter tenant a volunt del Seigniour per copie de Court Rolle ſolonque le cuſtome del manor: Et tiel tenant poit ſurrender le terre en les maines le Seigniour per le cuſtome al vie vn auter pur terme de vie, ou en fee ſimple, ou fee taile, & donques il prendra le terre del Seigniour, ou ſon Seneſchall per copie, & ferra fine al Seigniour. Mes ſi le Seigniour ouſta tiel tenant, il nad remedie mes de ſuer per petition, & ſi tiel tenaunt voile emplede vn auter des terres &c. il couient enter vn plaint en le court, & countera en le nature de quel briefe il voit, ſicome le caſe giſt.

Alſo there is an other tenant at will of the Lord by copie of Court Rolle according to the cuſtome of the Manor: And ſuch a tenant may ſurrender the lands into the hands of ỹ lord by cuſtome to the vſe of an other for term of life, or in fee ſimple, or in taile, and then he ſhall take the lande of the Lord, or his Steward by copie, and ſhall make fine to the lord: But if the Lord put out ſuch a tenant, hee hath no remedie but to ſue by petition, & if ſuch a tenant will implede an other of the lands &c. hee ought to enter a plaint in the court, & ſhall declare in the nature of what writ hee will, as the caſe ſtandeth

437 Voucher.

VOucher, eſt quaunt vn Præcipe quod reddat de terre eſt port vers vn

Voucher.

VOucher, is whẽ a Præcipe quod reddat of land is brought againſt a man,

man, and another ought to warrant the land to the tenant, thē the tenant shal vouch him to warranty, & thereupon he shall haue a writ called Summoneas ad warrantizādum: And if the Sheriffe retourn that hee hath nothing by the which he may bee summoned, thē there shal go forth a writ called Sequatur sub suo periculo, & whē he cōmeth hee shall pleade with the demādant, & if hee cōe not, or if he come and cannot bar the demādant, thē the demandāt shal recouer the land against ỹ tenant, and the tenant shall recouer as much land in value against the vouchee, and thereupon he shall haue a writ called Capias ad valentiā against the vouchor.

Looke more of voucher before in the title Garrātie.

438 Vses.

VSes of land had beginning after that the custome of property began amōg men: Where one being seised of landes in fee simple, made a feoffement to another without

home, & vn auter doyt garrant le terre al tenant, donques le tenant luy vouchera a garranty, & sur ceo il auera vn briefe appel Summoneas ad warrantizandum: Et si le Vicount retourne que il nad riens per que il poyt estre summon, donques illera briefe appell Sequatur sub suo periculo, & quaunt il vient il pledera ouesque le demandant, & si il vient & ne poyt barre le demaundant, donques le demaundaunt recouera le terre vers le tenaunt, & le tenant recouera tant de terre en value vers le vouchee, & sur ceo il auera vn briefe appell Capias ad valentiam vers le vouchee.

Vide pluis de Voucher de hunt titulo Garranty.

Vses.

VSes de terre ad son cōmencemēt apres que le custome de property commence enter homes: Come ou vn esteant seisie de terres en fee simple, fait vn feoffemēt al vn auter sauns

aſcun conſideration, mes ſolement meaning que le auter ſeiſoit ſeiſie al ſon vſe, & que il meſme voile prender le commodity & profits de les terres, & que le feoffee doyt auer le poſſeſſion & franktenement de ceo al meſme le vſe &c.

Ore apres ceo, ſur bone conſiderations, & pur auoider diuers miſchiefes & inconueniences, fuit le Statute de An̄ 27. H. 8. ca. 10. puruiew, quel vniter le vſe & poſſeſſion enſemble, iſſint que il que ad le vſe de terre, il meſme ad le poſſeſſion de ceo, accordant al vſe que il auoyt en ceo per vertue de ceſt eſtatute.

any conſideration, but only meaning that the other ſhould be ſeiſed to his vſe, & that hee himſelfe ſwould take the commodity & profits of the lands, and that the feoffee ſhould haue the poſſeſſion and franktenement thereof to the ſame vſe &c.

Now after this, vpon good conſiderations, and to auoid diuers miſchiefs and inconueniences, was the Statt of an̄ 27. H. 8. ca. 10. prouided, which vniteth the vſe & poſſeſſion together, ſo that who hath the vſe of the land, ẏ ſame hath the poſſeſſion therof, accozding to the vſe hee hath therein by vertue of that eſtatute.

VSury, eſt vn gaine de aſcū choſe ouſter le principall ou ceo que fuit lent, exact ſolement en conſideration de le loan, ſoyt il de Corne, Viande, Apparell, Wares, ou tielx ſemblables, come de money.

Et icy mult poyt eſtre dit, & diuers caſes

VSury, is a gaine of any thing aboue the prīcipall, oz that which was lent, exacted only in conſideratiō of the loane, whether it be of Coꝛn, Weat, Apparel, Wares, oz ſuch like, as of money.

And here much might bee ſaide, and many caſes

might bee put concerning Vsury, which of purpose I omit, onely I wish, that they who accompt themselues religious and good Christians would not deceiue themselues by colour of the Statute of Vsury, because the statute sayeth that it shall not bee lawfull for any to take aboue x. l. in the C. li. for a yeare &c. whereby they gather (although falsly,) that they may therefore take x. pound for the loan of an C. li. with a good conscience, because the statute doth after a sort dispence withall (for that it doth not punish such taking,) which thing it cannot doe with the Lawes & ordinances of God, for God will haue his decrees to bee kept inuiolable, who sayeth, lend, looking for nothing thereby &c. By which wordes is excluded, either the taking of x. l. v l. yea, or one peny aboue the principall. But rather let such thinke, that that Statute was made vpon like cause, that moued Moyses to giue a bill

poyent estre mys concernants Vsurie, le quel de purpose ieo omit, solement ieo pria, que ceux que accompt eux mesmes religious & bone Christians ne voylent deceiue eux mesmes per colour de le Statute de Vsurie, pur ceo que le Statute dit, que il ne serra loyall pur ascun de prender ouster x. li. en le C. li. pur vn an &c. per que ils collect (mes fauxemét) que ils poyent per ceo prender x. li. pur le loane dun C. li. oue vn bon conscience, pur ceo que le statute solonque vn maner dispence oue ceo, (pur ceo que il ne punishe tielx prendors) quel chose il ne poit faire oue les leyes & ordinances de Dieu, car Dieu voyle auer ses decrees obserue inuiolable, que dit, lend, expectant pur nul chose pur ceo &c. Per queux parolx est exclude, le prisel de x. li. v. li. ou de vn denyer ouster le principall. Mes plus pensant tiels que cest Statute fuit fait sur tiel semble cause, que mouaue Moyses de doner vn bill

de

de diuorce a les Israelites, come nosmement, pur auoider vn greinder mischiefe, & pur le duritie de lour ceurs.

440 Vtlary.

VTlary, est quant vn Exigent isſuit vers aſcun home de appearer en aſcũ Court de faire reſpons al aſcun action ou indictmẽt, & proclamation faite en v. Counties, donques a le v. Countie ſi le defendant ne appeare, donques le Coroner donera iudgement que il serra hors de protection de Roy, & hors del eyde le ley.

Et per tiel vtlary en actions personals le party vtlage forfeitera toutes ſes biens & chateux al Roy.

Et per vtlary en felonie il forfeitera auxybñ toutes les terres & tenemẽts que il ad en fee ſimple, ou pur terme de ſa vie, come ſes biens & chateux.

Auxy meſque vn home ſoyt vtlage, vncore ſi aſcun diſcontinuance ou errour ſoit en la ſuite del proces, le party de eeo aueta la

of diuorce to the Israelites, as namely to auoide a greater mischiefe, and for the hardnesse of their hearts.

Vtlarie.

VTlary, is when an Exigent goeth forth against any man, to appear in any Court to make answere to any action or indictment, and proclamation made in fiue Counties then at the v. county if the defendant appear not, the the Coroner shall giue iudgement that he shal be out of the protection of the king, and out of the aide of the law.

And by such an vtlarie in actions personals the party outlawed shall forfeit all his goods and cattels to the king.

And by an vtlary in felony hee shal forfeit aswell al his lands & tenements that he hath in fee simple, or for terme of his life, as his goods & cattels.

Also though a man bee outlawed, yet if any error or discontinuance be in the suite of the proces, the partie thereof shall haue ad-

aduantage, and for ſuch cauſe the vtlarie ſhall bee reuerſed and adnulled.

And if the party defendant be ouer the ſea at the time of the vtlary pronoūced, that is a good cauſe of the reuerſal of the vtlarie.

Alſo if an Exigent bee awarded againſt a man in one coūty where he dwelleth not, yet an Exigent with proclamation ſhal go forth to the County wher he dwelleth, or elſe if he be thereupon outlawed, the vtlarie may bee reuerſed, as it appeareth by the ſtatute made the 6. & 4. yeare of king H. 8. cap. 4.

And if a man bee outlawed in an action perſonal at ꝑ ſuit of an other, & after he purchaſe his Charter of pardon of the king, ſuch charter ſhal neuer be allowed, till he hath ſued a writ of Scire fac' to warn the party plaintife, & if he appear, then the defēdant ſhall anſwer him, & barre him of his action, or elſe to make agreemēt with him.

441 Vtrum.

VTrum, is a writ, and it lyeth when the right of

aduantage, & pur tiel cauſe lutlagarie ſerra reuerſe & adnulle.

Auxy ſi le partie defendant ſoit ouſter la mere al temps del vtlagarie pronounce, ceo eſt bon cauſe de reuerſall de vtlarie.

Auxy ſi vn Exigent ſoit agarde vers vn home en vn Countie lou il ne demurra pas, vncore vn exigent oue proclamation iſſerra al Countie lou il demurre, ou auterment ſil ſoit ſur ceo vtlage, vtlagarie poit eſte reuerſe, come appiert per leſtatute fayt Anno 6. & 4. Henrici 8. cap. 4.

Auxy ſi vn ſoit vtlage & action perſonal al ſuit dun auter, & puis il purchaſe ſon Charter de pardon de Roy, tiel Charter ne ſerra iammais allowe, tanque il ad ſue vn briefe de Scire facias de garni le pty plaintife, & ſi il appeare, donques le defendant reſpondera a luy & luy barref de ſa action, ou auterm̄t de faire agreement oueſq; luy.

Vtrum.

VTrum, eſt vn briefe, & giſt quant le droit de aſcun

aſcun Eſgliſe eſt aliene & renus en lay fee, ou tranſlate en poſſeſſion dauter Eſgliſe, & le alienour deuie, donques ſon ſucceſſor auera le dit briefe, per que vn enqueſt ſerra charge de trier vtrum ſit libera eleemoſina Eccleſię vel laicum feodum.

Et nota, que nul que ad couent ou common ſeale, poit mainteiner ceſt brief, mes briefe de Entre ſine aſſenſu Capituli de alienation fait per ſon predeceſſour.

any Church is alienedꝫ holden in lay fee, or tranſlated into the poſſeſſion of any other Church, andꝫ alienour dyeth, then his ſucceſſor ſhall haue the ſaid writ, whereby an inqueſt ſhall bee charged to trie whether it beꝫ free almes of the Church or lay fee.

And note well, that none that hath conent or common ſeale, may maintaine this writ, but a writ of Entre ſine aſſenſu Capituli of the alienation made by his predeceſſor.

W

442 Waiſe.

WAiſe, eſt quaunt vn laron ad felonioufment emblee biens, & eſteant neerement purſue oue hue & crie, ou autrement ſurcharge oue le burden ou trouble des biens, pur ſon eaſe & plus ſpeedie trauaile, ſauns hue & crie, ſua & waiua les biens ou aſcun part de eux arrere luy &c. donques le officer del Roy, ou le Reeue ou Bailife al Seignior del mannour (deins que iuriſdiction ou cir-

W

Waiſe.

WAiſe, is when a theefe hath felonioufly ſtolen goods, & beeing neerely followed with hue and crie, or elſe ouercharged with the burden or trouble of the goodes, for his eaſe ſake and more ſpeedy trauapling, without hue and crie, flyeth away and leaueth the goodes or any part of them behinde him, then the K. officer, or the Reeue or Baylike to the Lord of ꝫ manor (within whoſe iuriſdiction or cir-

cuit

cuit they were left) that by prescription, or graunt from the King hath the fraunchise of waife, may seise the goods so waived to their Lordes vse, who may keepe them as his own proper goods, except that the owner come with fresh suit after the felon, and sue an appeal, or giue in euidence against him at his arraignement vpon the indictment, and he attainted thereof &c. In which cases the first owner shal haue restitution of his goodes so stollen and waiued.

But although as hath beene saide, Waife is property of goods stollen, yet waife may bee also the goods that are not stolne: As if a man bee pursued with hue and crie, as a felon, & hee fleeth, and leaueth his owne goodes &c. these shall bee taken as goods waived, & forfait as if they had beene stolne.

443 Waiue.

WAiue, is a woman that is outlawed, & shee is called Waiue, as left out or forsaken of the lawe, and

euit ils fueront waife) que per prescription, ou graunt de Roy ad le fraunchise de waife, poyent seisier les biens issint waife al vse de lour Seigniors, que poient retaine eux come les proper biens, sinon que le owner vient ouesque fresh suit apres le felon, & sue vn appeal, ou done en euidence enuers luy al son arraignement sur le indictment, & il attaint de ceo &c. En queux cases le primer owner auera restitution de ses byens issint emblee & waife.

Mes nient obstant come ad este dit, waife est propermēt de biens emblees, vncore waife poit este auxi de biens nient emblees: Come si vn home soit pursue ouesq; hue & crie, cōe vn felon, & il fue & relinquish ses biens demesne &c. ceux serra prise come biens waife, & forfait cōe fils ad este emblees.

Waiue.

WAiue, est vn feme que est vtlage, & el est appelle Waiue, quasi relicta à lege, & acmy

nemy vlage come home eſt : Car femes ne ſont iures en Leetes al Roy, ne al Ley, come homes ſont, queux pur ceo ſont deins le ley, lou femes ne ſont, & pur ceſt cauſe ils ne poyent eſte dit vlage, entraunt que ils ne vnques fueront deins ceo.

Mes vn home eſt dit vtlage, pur ceo que il ſuit vn foits iure a le Ley : Et a ote pur contempt il eſt mis hors del ley, & dictus vtlagatus, quaſi extra legem poſitus.

444 Warwit.

WArwit, (ou Wardwit come aſcuns copies ad ceo) hoc eſt quietum eſſe de denarijs dandis pro wardis faciendis.

445 Waſt.

WAſt, eſt lou tenaunt a terme dans, tenant a terme de vie, ou tenaunt pur terme dauter vie, tenaunt en Dower, ou tenaunt per le Curteſie, ou Gardeine en Chiualrie fait Waſt ou deſtruction ſur la terre, ceſtaſcauoir, fil debruſa meaſon, ou coupe meriſme, ou

not an outlaw as a man is : For women are not ſworne in Leetes to the King, nor to the Law, as men are, who therefore are within the law, whereas women are not, and for that cauſe they cannot bee ſaid outlawed, inſomuch as they neuer were within it.

But a mã is called vtlaw, becauſe that hee was once ſworne to the Law: And now for contẽpt he is put out of ẽ law, & is called vtlaw, as one ſhold ſay without benefit of ẽ law.

Warwit.

WArwit, (or Wardwit as ſome copies haue it) that is to bee quite of giuing of money for keeping of wardes.

Waſt.

WAſt, is where tenant for terme of yeares, tenant for terme of life, or tenant for terme of an others life, tenãt in dower, or tenãt by the curteſie, or gardein in chiualrie doth make waſt or deſtruction vpon ẽ land, that is to ſay, pulleth down the houſe, or cutteth downe tymber, or ſuſ-

ſuffereth the houſe wilingly to fal, or diggeth the ground, then he in the reuerſion ſhall haue one writ for that waſt, & ſhall recouer the place where ꝑ waſt is done, & treble damages. And if a man cut downe timber without licence, & therewith repaireth old houſes, yet that is no waſt. But if he with the timber build a new houſe, then the cutting downe of ſuch timber is waſt. Alſo ꝑ cutting downe of vnderwood, or willowes, which is no timber, ſhal not be ſaid waſt, but if they grew in ꝑ ſight or ſhadow of the houſe.

ſuffer le meaſon voluntary pur eſchier, ou foder la tre, donques ceſty en le reuerſion auera vn briefe pur cē waſt, & recouera le lieu ou le waſt fuit fait, & treble dammages. Et ſi home coupe meriſme ſauns licence, & oueſque ceo repaire les auncient meaſons vncore ceo neſt pas waſt: Mes ſi il oueſque le meriſm edifia vn nouell meaſon donques le couper de tiel meriſme eſt waſt. Auxy le couper de ſubbois ou willowes q̄ neſt pas meriſme, ne ſerra dit waſt, ſinon que creſſont en le view ou ſcite del meaſon.

446 Wrecke.

WRecke, or Varech, as the Normans, from whom it came, call it, is where a ſhip is periſhed on the Sea, and no man eſcapeth aliue out of the ſame, and the ſhip, or part of the Ship ſo periſhed, or the goods of the Ship come to the land of anie Lord, the Lord ſhall haue that as a wrecke of the Sea. But if a man, or a dog, or cat, eſcape aliue

Wrecke.

WRecke, ou Varech, come les Normans, de que il vient, appellont ceo, eſt quaunt vn nieſe eſt periſh ſur le mere, & null home eſcape viue hors del nieſe, & le nieſe, ou part del nieſe iſſint periſh, ou les biens del nieſe vient al terre daſcun Seigniour, le Seigniour les auera come vn wreck de le Mere. Mes ſi vn home, ou vn chien, ou chate, eſcape viue, iſſint

iſſint que le party a que les biens ſont veign deins lan & iour, & proue les biens deſtre ſes, il auera eux arrere, per prouiſion del ſtatute de Weſt. 1. cap. 4. fait ẽ les iours del Roy E. 1. que en ceo followed le decree de Henry le 1. deuaunt que iours ſi vn nieſe ad eſtẽ iect ſur le ſhore, torn oue tempeſt, & nemy repayre per eux que eſcapont en vie deins vn certaine tẽps, que donqs ceo fuit priſe come Wrecke.

so that the party to whom the goodes belong come within a yeare and a day, and proue the goods to be his, hee ſhall haue them againe, by prouiſion of the ſtatute of Weſt. 1. cap. 4. made in king E. 1. dayes who therein followed the decree of Henry the 1. before whose dates, if a ſhip had bin caſt on ſhore, torn with tempeſt, & were not repaired by ſuch as eſcaped alme within a certain time, that then this was taken for Wrecke.

447 Withernam.

WIthernam, Vide de ceo deuant titulo Diſtreſſe.

Withernam.

WIthernam, Look therefore in the tittle Diſtreſſe.

448 Warren.

WArren eſt vn lieu priuiledged per preſcription ou graunt del Roy pur le preſeruation del leuerets, cunicles, perdices & pheſants, ou aſcun de eux.

Warren.

WArren, is a place priuiledged by preſcription or graunt of the king for the preſeruation of Hares, Conies, Partridges, and pheſants, or any of them.

FINIS.

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